

**AGENDA**  
**Three Rivers Community Plan Update**  
**Community Meeting**  
**Monday November 10, 2014 7:00 P.M.**  
Arts Building  
Three Rivers, CA



*... service with pride.*

Resource Management Agency

1. Welcome and Introduction.
2. Review of Oak Woodland Management Information.
  - (a) Public Resources Code Section 21083.4 Oak Woodlands Conservation.
  - (b) Planners Guide to Public Resources Code Section 21083.4.
  - (c) Fish and Game Code Article 3.5 Oak Woodlands Conservation Act.
  - (d) Oak Woodlands Conservation Act Program Application and Guidelines.
  - (e) Tulare County General Plan Adopted Policies and Implementation related to Oak Woodland Management.
  - (f) Board of Supervisors Agenda Item Report on Tulare County Oak Woodland Conservation Program July 7, 2009.
3. Project Status/Brief Review of Community Meeting #9 October 13, 2014 and changes made to Goal 3 Diverse Housing Options.
4. Continue review and Completion Goal 4 Protection and Conservation of the Environment.
  - (a) 2009 Draft Three Rivers Community Plan Update Goals, Policies, and Objectives (October 2014 Track Change Version and Clean Version).
  - (b) Tulare County Zoning Ordinance Adopted Section 14.7: "F-1" Primary Flood Plain Zone (Information).
  - (c) Tulare County Zoning Ordinance Adopted Section 14.7: "F-2" Secondary Flood Plain Combining Zone (Information).
  - (d) Tulare County Ordinance Code Adopted Chapter 27. Flood Damage Prevention (Information).
5. Topics for the Next Meeting.
6. Next Steps.
7. Adjournment: Next Meeting December 8, 2014 at 7:00 P.M.

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Three Rivers Community Plan Website address:  
<http://www.tularecounty.ca.gov/rma/index.cfm/planning/three-rivers-community-plan-update/>

## **2. REVIEW OF OAK WOODLAND MANAGEMENT INFORMATION.**

**(a) Public Resources Code Section 21083.4 Oak Woodlands Conservation.**

## PUBLIC RESOURCES CODE - PRC



**DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.3]** (*Division 13 added by Stats. 1970, Ch. 1433.*)

**CHAPTER 2.6. General [21080 - 21098]** (*Chapter 2.6 added by Stats. 1972, Ch. 1154.*)

**21083.4.** (a) For purposes of this section, "oak" means a native tree species in the genus *Quercus*, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.

(b) As part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

(1) Conserve oak woodlands, through the use of conservation easements.

(2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.

(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.

(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.

(D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.

(3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

(4) Other mitigation measures developed by the county.

(c) Notwithstanding subdivision (d) of Section 1363 of the Fish and Game Code, a county may use a grant awarded pursuant to the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code) to prepare an oak conservation element for a general plan, an oak protection ordinance, or an oak woodlands management plan, or amendments thereto, that meets the requirements of this section.

(d) The following are exempt from this section:

(1) Projects undertaken pursuant to an approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this section.

(2) Affordable housing projects for lower income households, as defined pursuant to Section 50079.5 of the Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to Section 56076 of the Government Code.

(3) Conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes.

(4) Projects undertaken pursuant to Section 21080.5 of the Public Resources Code.

(e) (1) A lead agency that adopts, and a project that incorporates, one or more of the measures specified in this section to mitigate the significant effects to oaks and oak woodlands shall be deemed to be in compliance with this division only as it applies to effects on oaks and oak woodlands.

(2) The Legislature does not intend this section to modify requirements of this division, other than with regard to effects on oaks and oak woodlands.

(f) This section does not preclude the application of Section 21081 to a project.

(g) This section, and the regulations adopted pursuant to this section, shall not be construed as a limitation on the power of a public agency to comply with this division or any other provision of law.

*(Added by Stats. 2004, Ch. 732, Sec. 1. Effective January 1, 2005.)*

BILL NUMBER: SB 1334      CHAPTERED  
BILL TEXT

CHAPTER 732

FILED WITH SECRETARY OF STATE    SEPTEMBER 24, 2004  
APPROVED BY GOVERNOR    SEPTEMBER 24, 2004  
PASSED THE SENATE    AUGUST 26, 2004  
PASSED THE ASSEMBLY    AUGUST 23, 2004  
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AMENDED IN ASSEMBLY    JUNE 7, 2004  
AMENDED IN SENATE    MAY 24, 2004  
AMENDED IN SENATE    APRIL 28, 2004  
AMENDED IN SENATE    MARCH 31, 2004

INTRODUCED BY    Senator Kuehl  
(Coauthor:    Senator Romero)  
(Coauthors:    Assembly Members Hancock, Koretz, and Liu)

FEBRUARY 18, 2004

An act to add Section 21083.4 to the Public Resources Code,  
relating to oak woodlands conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1334, Kuehl. Oak woodlands conservation: environmental quality.

(1) The Oak Woodlands Conservation Act provides funding for the conservation and protection of California's oak woodlands.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a discretionary project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would require a county, in determining whether CEQA requires an environmental impact report, negative declaration, or mitigated negative declaration, to determine whether a project in its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment, and would require the county, if it determines there may be a significant effect to oak woodlands, to require one or more of specified mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. The bill would exempt specified activities from its requirements. By imposing new duties on local governments with respect to oak woodlands mitigation, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that

reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21083.4 is added to the Public Resources Code, to read:

21083.4. (a) For purposes of this section, "oak" means a native tree species in the genus *Quercus*, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.

(b) As part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

(1) Conserve oak woodlands, through the use of conservation easements.

(2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.

(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.

(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.

(D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.

(3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

(4) Other mitigation measures developed by the county.

(c) Notwithstanding subdivision (d) of Section 1363 of the Fish and Game Code, a county may use a grant awarded pursuant to the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code) to prepare an oak conservation element for a general plan, an oak protection ordinance, or an oak woodlands management plan, or amendments thereto, that meets the requirements of this section.

(d) The following are exempt from this section:

(1) Projects undertaken pursuant to an approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this section.

(2) Affordable housing projects for lower income households, as defined pursuant to Section 50079.5 of the Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to Section 56076 of the Government

Code.

(3) Conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes.

(4) Projects undertaken pursuant to Section 21080.5 of the Public Resources Code.

(e) (1) A lead agency that adopts, and a project that incorporates, one or more of the measures specified in this section to mitigate the significant effects to oaks and oak woodlands shall be deemed to be in compliance with this division only as it applies to effects on oaks and oak woodlands.

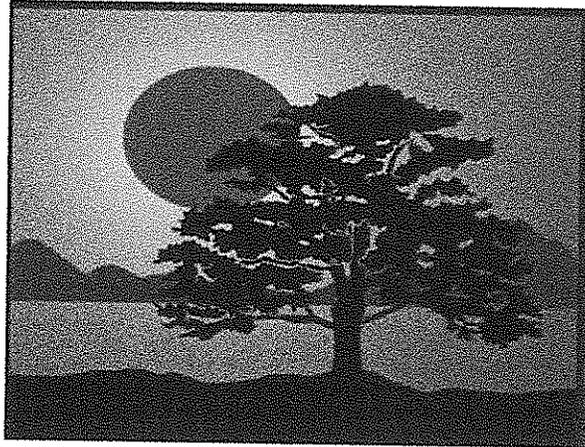
(2) The Legislature does not intend this section to modify requirements of this division, other than with regard to effects on oaks and oak woodlands.

(f) This section does not preclude the application of Section 21081 to a project.

(g) This section, and the regulations adopted pursuant to this section, shall not be construed as a limitation on the power of a public agency to comply with this division or any other provision of law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**(b) Planners Guide to Public Resources Code Section 21083.4.**



# Oak Woodland Impact Decision Matrix

A Guide for Planner's to Determine Significant Impacts to Oaks  
as Required by SB 1334.  
(Public Resources Code 21083.4)

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## **Introduction**

In 2004 the California Environmental Quality Act (CEQA) was amended with the passage of SB 1334, (Chapter 732, and Statutes of 2004). As amended, CEQA now requires a county to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. According to the law (PRC 21083.4) if a county determines that a project will result in a significant effect to oak woodlands, the county shall require one or more oak woodland mitigation alternatives to mitigate for the significant effect associated with the conversion of oak woodlands.

In response to numerous inquiries from county planners, developers and concerned citizens on how to implement this new provision of CEQA, the University of California (UC) Integrated Hardwood Range Management Program (IHRMP) convened a working group comprised of the California Department of Fish and Game, the California Department of Forestry and Fire Protection and the Wildlife Conservation Board (WCB). The purpose of the working group was to develop information to assist county planners with the process of determining project significance including, what types of projects fall under the purview of the law, what constitutes a “significant impact,” compliance standards, effective strategies to conserve oak woodlands and how to determine suitable, appropriate mitigation.

In addition to this report, tools such as a web-based decision key, PowerPoint presentations and visual comparison standards for assessing oak woodland impacts will be made available through the IHRMP web site. This represents an ongoing effort to assist county planners on how to protect and conserve critical oak woodland resources and comply with new regulations.

## ***What Science Tells Us About County Conservation Planning***

Given the variety of regional situations that face county planners, it is important to first consider broad, conceptual conservation goals and then develop applicable tools that allow the concepts to be visualized “on the ground.” Forman and Collinge (1997) maintain that in order to conserve biological diversity conservation planning should be done before more than 40 percent of the natural vegetation is altered or removed from the landscape. Conservation planning grounded in science-based information allows for the development of sensitive planning scenarios that if initiated in the early stages of the development process can prevent environmental crises.

**The Ecological Society of America (ESA)** provides a basis for the conceptual approach to planning that should be included in conservation planning. In their Land Use Committee Guidelines for Land Use Planning and Management (Dale and others 2000) the ESA recommends;

- 1) Examine the impacts of local decisions in a regional context;
- 2) Plan for long-term change and unexpected events;
- 3) Preserve rare landscape elements and associated species;
- 4) Avoid land uses that deplete natural resources over a broad area;

- 5) Retain large contiguous or connected areas that contain critical habitats;
- 6) Minimize the introduction and spread of non-native species;
- 7) Avoid or compensate for effects of development on ecological processes; and
- 8) Implement land use and land management practices that are compatible with the natural potential of the area.

Furthermore, it is broadly recognized that a gap exists between conceptual planning designs and pragmatic implementation in the politically charged reality of county planning. Given this reality, it is important that scientifically valid approaches be included in the planning process. Also, well articulated decision-making tools need to be developed that specifically address the idiosyncrasies of oak woodlands. These tools must strive to incorporate the current conventional wisdom pervasive throughout the literature that identifies those elements or characteristics most important for maintaining the integrity of oak woodlands, i.e., old trees/forests, maintaining rare and representative habitats, riparian corridors, water quality and quantity, ecosystem functions and natural connectivity. Additionally, any planning tools should strive to assist planners in promoting compatible land uses to avoid or minimize habitat loss and fragmentation whenever possible.

*All current projects should be viewed in context of past events.*

In order to address the issue of “*significance*” there needs to be recognition that each project site has a peculiar history and situation. This history of site-specific land use practices may result in sites whose qualities span from relatively undisturbed sites to properties whose oak woodlands have been entirely altered.

We propose a decision matrix, described herein, that uses a process beginning with establishing a baseline site condition from which to initiate decision making process. It relies on the judgment of the resource professional and their ability to objectively determine is likely to have a significant impact.

## **What is a Woodland?**

There are two very different approaches to address what appears to be a relatively straight-forward question.

- The first is to answer this question with a definition of oak woodland;
  - The second is to use a *description* of oak woodland.
1. The first is a prescriptive, arbitrary standard or definition that is used to define a woodland, i.e., 10% canopy closure; trees of a certain diameter size class; number of trees per acre, etc.
  2. The second option uses other qualitative standards such as soil type, or plant classifications that describe where different types of woodlands are expected to occur, i.e., valley oak woodland soil types. This approach can also be used to describe where woodlands are capable of occurring based on site attributes.

Both options have merit. A jurisdiction has the freedom to decide which option better suits its particular needs.

There are eight major oak species that are generally recognized to occur across California;

- **Blue oak, valley oak, Oregon white oak and Engelmann oak** are all deciduous and members of the white oak group.
- **Coast live oak, interior live oak, and canyon live oak** are three important evergreen oaks in the red oak group. **California black oak** is a deciduous oak in the red oak group.

Oaks can be found in a wide range of canopy densities depending on site characteristics and landscape characteristics (e.g. aspect, soil type, vegetation community type) as well as historical land use practices (e.g. burning, clearing). Small isolated stands (less than 1 acre) with lower than 10 percent cover are often not considered to be part of a woodland but rather represent remnant trees which can have ecological value but may not be part of a functioning woodland.

It is not unusual for woodlands to have both multiple oak species and other non-oak associates growing in close approximation including madrones, alders, maples, sycamores, and Douglas-fir.

For information on how to identify California's tree oaks, their biology, and the associated plants that are commonly found with them, please see <http://danr.ucop.edu/ihrmp/oaks.html>.

### **Step I: Getting Started—Establishing Site Condition**

To use this matrix a planner must first establish the condition of the site (*for a review of the CEQA guidelines on establishing site condition see §15125 and §15126*). Site condition should evaluate either the oaks as individual trees, or the condition of the oaks as a component of a larger forest. Significance at both scales can then be determined based on the alterations being proposed and how these alterations might affect the ability of the site to continue providing the ecological goods and services currently in place.

By assessing past, present and future impacts on oak woodlands this matrix is designed to help address potential *Cumulative Impacts* as part of the assessment of significance.

Significance criteria for cumulative impacts to biological resources may include:

- The cumulative contribution of other approved and proposed projects that lead to fragmentation of oak woodlands in the project vicinity.
- The net loss of sensitive habitats and species.
- Increased fragmentation of woodlands and loss of habitat connectivity.
- Contribution of the project to urban expansion into natural areas.

- The potential for the proposed project to increase run-off, nutrients and other pollutants into adjacent waterways.
- Isolation of open space within the proposed project by future projects in the vicinity.

To evaluate the quality and ecological condition of a site, we propose that a planner should ascertain if the site represents an oak woodland whose ecological functions are still relatively “intact,” “moderately degraded,” or “severely degraded.” This relative comparison is intended to classify the current state of the site to what would be considered undisturbed oak woodland.

### ***Intact?***

The site is currently in a “wild state” being managed for grazing, open space, recreation, etc., where all of the ecological functions are still being provided, i.e., shade, ground water filtration, wildlife/fish habitat, nutrient cycling, wind/noise/dust abatement, carbon sequestration, etc. In this condition roads and buildings are rare across the site. Trees, both dead and alive, dominate the landscape and the site is capable of natural regeneration of oaks and other plant species. The site allows for movement of wildlife and the existing development is localized and limited to a small number of residences with service buildings or barns. The site is relatively undisturbed and is recognized as ***Intact***. Examples of an ***Intact*** woodland may include large to moderately (even relatively small parcels may qualify) sized private ranches; expansive oak woodlands zoned for agriculture, open space, scenic corridors, etc.

Some latitude is necessary to allow a site to be classified as ***Intact***. There are very few private lands in California that are entirely free from land use and ecological impacts. Virtually all oak woodland-grass communities are dominated by exotic grasses and forbs in the understory. Also, fire exclusion has affected the density and species composition of oak woodlands in many locations. The designation ***Intact*** refers mainly to being free from destructive land use practices that inhibit or limit the oak woodland to naturally sustain itself and its associated flora and fauna.

If a site is classified as ***Intact***, any proposed project that would substantially change its conditions may be determined to have significant impacts. That determination should be based on the findings of an impact assessment process; an example is described in the next section of this matrix.

### ***Moderately Degraded?***

In this case, the site has obviously been altered from a “wild” condition but is currently in a state where oak trees are present; natural regeneration is capable of occurring; limited ecological services are still being provided and the site still provides for utilization by wildlife. Roads and stream crossings are present but limited or clustered. Developed areas are centralized and concentrated over a small percentage of the site. The site is recognized as being ***Moderately Degraded***. Examples of ***Moderately Degraded*** oak woodlands may include some golf courses, large ranches that have been subdivided into

large parcels, oak woodland subdivisions that share “common grounds” of woodland acres.

A *Moderately Degraded* site has been changed in one or more ways that has reduced its potential for providing ecological and socially important services. For example, it may have been partially developed resulting in the net loss of trees; the canopy or understory may have been reduced or eliminated over all or part of the site; past grazing or soil disturbance may have impaired regeneration in some areas or it may be a situation where “ranchettes” dot the landscape.

### ***Severely Degraded?***

Here a site has been dramatically altered and is currently in a condition that has no trees or very few remain; it is being managed in such a way that natural regeneration is not possible or practical; the soil is compacted or contaminated; and/or has been used for residential, commercial or industrial purposes. Roads and stream crossings are commonplace and fencing and other obstructions limit wildlife access and movement. This site should be considered *Severely Degraded*.

Some isolated rare oak trees, even though found in a severely degraded site, such as valley oak or Englemann oak may warrant special consideration based on their overall distribution within a county. These types of trees or small stands should be evaluated on the basis of regional occurrence and site potential for restoration. Additionally, some jurisdictions may have local statutes that provide additional protection to heritage trees.

Although a site in a severely degraded state may perform limited or no ecological or socially important functions, it may have potential for restoration or enhancement as part of a proposed development. That said, it should not simply be dismissed without considering possibilities for mitigating past damage. Restoring or improving the woodland on the site could provide benefits such as improving connectivity or patch size for locally important wildlife habitat.

### **Step II: Assessing Thresholds of Significance**

The Guide to CEQA, 11<sup>th</sup> edition states: “In the absence of an impact necessarily deemed significant, the lead agency has discretion to adopt standards for determining whether an impact is significant. In recent years interest has focused on encouraging agencies to develop standardized “thresholds of significance”, rather than to continue making ad hoc determinations in the context of particular projects...” See CEQA Guidelines § 15064.7 for more on establishing thresholds.

As with the determination of existing conditions, the evaluation of potential impacts of a project should be considered at three scales: (1) landscape, (2) site and (3) individual trees or groves. A project may have significant impacts at one scale but not at another. Or, in some cases, it may have significant impacts at all scales. For example, a project in an oak woodland deemed *Intact* that results in the removal of some trees but retention of other woodland qualities such as species composition and canopy cover may only have

significant impacts at the tree scale. Another project that creates a barrier, such as a road that interrupts wildlife migrations, may have significant impacts at the landscape scale even if few trees are removed.

The determination of significance in an impact assessment is by no means simple. Any assessment should consider and address more than simply the impacts to the trees; the planner should consider the potential impacts to the other tangible aspects of the woodland.

Many jurisdictions have arbitrarily established thresholds of significance to aid in the determination process. The vast majority of examples to date have focused on the tree scale. [Only a few examples exist of counties developing spatial thresholds, i.e., Lake County's grading ordinance specifies one quarter acre of native vegetation as a threshold.] These include: individual tree diameter limits established in tree ordinances; soil disturbance limits often contained in grading ordinances; heritage tree designations initiating a discretionary permit review process prior to removal.

Here we propose another means of determining thresholds through a process of pre-determining those oak woodlands whose site qualities qualify them to be recognized according to their existing condition. By using spatially derived images (aerial photos, GIS data, etc) a planner can determine contiguous acreages of oak woodlands that may qualify as *Intact* woodlands; using other available planning tools areas could be identified as *Moderately Degraded* and the same could be done for *Severely Degraded* areas. Conceptually, this approach mimics other planning designations identified through zoning.

### ***Developing a System Using Impact Prediction as a Means of Determining Significance***

An important consideration dealing with *significance* in wildlands is the assessment and prediction of both the nature and extent of the potential impacts. Predictions can be based on simplified conceptual models of how natural processes function. Models range in complexity from those that are very intuitive to those based on explicit assumptions about environmental processes. We propose a combination of intuition and strict quantitative assessment to help make a determination. Criteria that can be used to describe the nature and duration of an impact may include:

### ***Determination of Impact Magnitude***

#### **Spatial Extent**

1) At the site scale:

What proportion of the woodland will be removed or changed to the extent that ecological functions or goods and services will be impaired? Metrics that can be evaluated include:

1. Road density pre and post development.
2. Percent canopy cover pre and post development.
3. Oak species present pre and post development.

4. Vegetation composition pre and post development.
- 2) At the landscape scale:

Would changes at the site cause fragmentation, loss of connectivity or interruption of processes such as wildlife migration, water flow, or increased fire risk over a larger geographic area? Metrics that can be evaluated include:

1. Road density within 1 km of the site,
2. Results in reduced distance between woodlands and urban development.
3. Changes in size and configuration of woodland habitat patches and increased edge habitat.
4. Severe wildlife corridors or habitat linkages thereby impacting animal and plant movement.

#### Temporal Extent

Does the proposal result in long-term impacts to the structure and ecological services being provided? Metrics that can be evaluated include:

5. What is the duration of the proposed impacts?
6. Are the impacts reversible?
7. Does the project protect oaks and other oak woodland components from future potential impacts to the site?
8. Are exotic and weedy species likely to increase at the site?

#### Impact Prediction Checklist—Intact Woodlands

If a project is being proposed for *Intact* woodland, the following criteria could be considered to determine significance.

- ✓ Net loss of oak woodland acreage.
- ✓ Increase habitat fragmentation.
- ✓ Loss of vertical and horizontal structural complexity.
- ✓ Loss of understory species diversity.
- ✓ Loss of food sources.
- ✓ Loss of nesting, denning, burrowing, hibernating, and roosting structures.
- ✓ Loss of habitats and refugia for sedentary species and those with special habitat requirements, i.e., mosses, lichens, rocks, native grasses and fungi.
- ✓ Net loss of oak woodland acreage.
- ✓ Road construction, grading, trenching, activities affecting changes in grade, other road-related impacts.
- ✓ Stream crossings, culverts, and road associated erosion and sediment inputs.

Although mitigation measures may help to diminish some of the negative aspects of a project, they can not ensure that the cumulative effects would not result in long-term changes affecting the ecological processes associated with an *Intact* woodland. Therefore, cumulative impacts may have to be considered when predicting the affect of a project proposed for designated *Intact* woodland.

**Impact Prediction Checklist—Moderately Degraded Woodlands**

*Moderately Degraded* woodlands may be the most frequently encountered oak woodland condition found in California. When a site is determined to be moderately degraded, the baseline conditions may be such that further perturbations will have a significant impact. Conversely, a proposed development may present opportunities for improving or enhancing site conditions.

If a project is being proposed for woodland you determine to be Moderately Degraded, the following criteria could be considered to determine significance:

- ✓ Net loss of oak woodland acreage.
- ✓ Increase habitat fragmentation.
- ✓ Loss of vertical and horizontal structural complexity.
- ✓ Loss of understory species diversity.
- ✓ Loss of food sources.
- ✓ Loss of nesting, denning, burrowing, hibernating, and roosting structures.
- ✓ Loss of habitats and refugia for sedentary species and those with special habitat requirements i.e. mosses, lichens, rocks, native grasses and fungi.
- ✓ Net loss of oak woodland acreage.
- ✓ Road construction, grading, trenching, activities affecting changes in grade, other road-related impacts.
- ✓ Stream crossings, culverts, and road associated erosion and sediment inputs.
- ✓ Road building activities that aggravate existing conditions.
- ✓ Changes in environmental conditions that prevent existing residual trees the ability to naturally regenerate.
- ✓ Proposed project designs that result in the construction of obstacles that pose as barriers to wildlife or fish passage.
- ✓ Proposed project designs that result in the probable introduction of invasive plants and animals.

**Impact Prediction Checklist—Severely Degraded Woodlands**

If the project is being proposed for a *Severely Degraded* woodland, consideration of the following impacts should be recognized to determine potential significance. In order for a site to be initially classified as *Severely Degraded* it should be highly altered, fragmented or in such a state as to make it virtually unrecognizable as ever having been an oak woodland. These sites may be urban, suburban or agricultural sites whose only link to its past natural heritage is found in the name of the community. In these sites, the oaks

remain only as a relic of the past and the reality of oak regeneration is highly unlikely and constrained.

*Take note that these sites may have significance if the relic trees represent a resource protected by local ordinance or statute. Additionally, the site may have significance if the relic trees are considered in a spatial context of what may have been found throughout the county prior to development, and though mitigation may never fully recover the lost biological attributes of a forest, it may serve as a strong source of civic pride that should be considered as part of the determination of significance.*

The conversion of these resources may not lead directly to the loss or reduction of sensitive habitat or species but in a cumulative sense may be significant. Thus, impacts to *Severely Degraded sites may be less than significant* when dealing with individual trees on a small scale, but some projects, depending on specific attributes, may in fact be significant.

Scenarios where the loss of trees may be considered significant in a *Severely Degraded* oak woodland:

- ✓ Loss of individual heritage trees that are recognized and/or protected by ordinance or statute.
- ✓ Loss of appropriate recruitment sites for recognized and/or protected heritage tree species.
- ✓ Loss of individual trees in a county where the natural range and occurrence of the species has been dramatically reduced and/or altered thereby affecting the recruitment/restoration potential for the species.
- ✓ The removal of even a few individual trees, taken in spatial context of the county and species being considered, may represent a significant portion of the existing population of that species.

Scenarios that may be **less than** significant under this classification may include:

- ✓ Removal of a small number of immature trees for a road-widening project.
- ✓ Removal of a single tree(s) from a residential property associated with a remodeling project.
- ✓ Actions associated with tree care, maintenance and health, i.e., pruning, shaping, etc..
- ✓ Removal and replacement of street trees.
- ✓ Removal and replacement of landscape trees associated with existing developments.
- ✓ Removal of hazard trees where the threat of a tree failure could injure people or property.

## Designing an Oak Woodland Decision Matrix

As has been previously stated, the matrix being proposed here relies on the planner making an assessment of the proposed project based on:

1. the site condition of the oak woodlands at the project site; and
2. the degree to which the initial site condition will be changed as a result of the project.

When developing your matrix start by using a set of broadly defined criteria as a means to identify rudimentary thresholds of significance in simple terms. These criteria apply subjective reasoning to determine the level of impact being proposed (Table 1).

Conceptually, your matrix should compare the site condition (Step I) to the relative impacts being proposed (Step II) thus, the matrix will provide both the planner and the applicant a relatively straight-forward and economically cost effective assessment of environmental impacts and their potential significance.

**Table 1.** Conceptual sample of how the decision matrix is intended to demonstrate the determination of *significance* by comparing the initial condition of the site with the proposed impacts of the project.

Degree of Impact	Site Condition		
	Undisturbed (Intact)	Moderately Degraded	Severely Degraded
Low	Moderately Significant	Least likely significant	Least likely significant
Moderate	Highly likely significant	Moderately likely significant	Less likely significant
High	Significant	Highly likely significant	Most likely significant

If a county has pre-determined designated lands that are assigned a condition rating of *Intact*, *Moderately Degraded* or *Severely Degraded*, it will facilitate the process.

Table 2 provides example criteria that can be considered when trying to qualify impacts at a project level (Table 3). Supporting documents to consider should include maps, aerial photos, landsat imagery or areas/trees with special designation (rare, threatened or endangered habitats, heritage trees, zoning overlays, etc.)

**Table 2.** Criteria for consideration when rating of impact magnitude and significance. (Adapted from Rossouw 2003).

<b>Impact Magnitude and Significance Rating</b>	<b>Examples</b>
<p><b>HIGH</b> Of the highest order possible within the bounds of impacts that could occur. In the case of adverse impacts, there is no possible mitigation that could offset the impact, or mitigation is difficult, expensive, time consuming or some combination of these.</p> <p>Site scale—Typically on a small scale (less than 3 acres) a high impact would result in the removal of a majority of the existing trees.</p> <p>Landscape scale—Does the loss of trees result in habitat fragmentation because the site is located within a larger continuous patch of woodland.</p> <p>Existing threshold limits delineating significant impacts currently in use in California range from ¼ acre to 3 acres.</p>	<p>Examples include alterations/conversion of oak woodlands resulting in:</p> <ul style="list-style-type: none"> <li>✓ Loss of vertical and horizontal structural complexity.</li> <li>✓ Loss of understory species diversity.</li> <li>✓ Loss of food sources.</li> <li>✓ Loss of nesting, denning, burrowing, hibernating, and roosting structures.</li> <li>✓ Loss of habitats and refugia for sedentary species and those with special habitat requirements, i.e., mosses, lichens, rocks, native grasses and fungi.</li> <li>✓ Net loss of oak woodland acreage.</li> <li>✓ Road construction, culverts, grading and other road-related impacts.</li> <li>✓ Stream crossings, culverts, and road associated erosion and sediment inputs.</li> </ul>
<p><b>MODERATE</b> A second order or tier impact. In the case of adverse impacts, mitigation or minimization of impacts is sometimes possible to offset overall alterations.</p> <p>Site scale—Both tree and non-tree components of the oak woodland are being considered for removal or alteration. Removal of trees will result in the creation of more edge impacts.</p> <p>Landscape scale—Increased edge habitat but less than 1 kilometer. Complete loss of habitat resulting in a disturbance envelope less than 3 acres.</p> <p>Existing threshold limits delineating significant impacts currently in use in California range from ¼ acre to 3 acres.</p>	<p>Examples of moderate impacts at a site scale may include:</p> <ul style="list-style-type: none"> <li>✓ Understory removal.</li> <li>✓ Thinning of existing trees.</li> <li>✓ Removal of snags and other wildlife elements.</li> </ul> <p>Examples of moderate impacts at a landscape scale may include:</p> <ul style="list-style-type: none"> <li>✓ Right of way clearing.</li> <li>✓ Road alignments.</li> <li>✓ Road expansion.</li> </ul>
<p><b>LOW</b> A third tier or order of proposed impacts. In the case of adverse impacts, minimal disturbance is anticipated or can easily be avoided, minimized or mitigated.</p>	<p>Examples of low impacts at a site scale – Less than 10 trees:</p> <p>Large scale—No change to the stand structure and immeasurable impacts on canopy cover.</p>

**Table 3.** This illustrates an example matrix and how it might be used to help determine significance.

Impact Level	Initial Site Condition		
	Intact Woodland	Moderately Degraded Woodland	Highly Degraded Woodland
Low Impact	<p>Minimal disturbance to stand structure and composition and habitat features resulting in no increased edge habitat or fragmentation; road and stream crossings are not being considered; activities will not result in the introduction of exotic or invasive species.</p> <p>[Minimal site or spatial disturbance may still result in significant impacts to an intact or core woodland.]</p>	<p>Regeneration potential is being maintained across the site; expansion of developed areas are maintained and centralized; new road and stream crossings are not being considered.</p> <p>[In the absence of special circumstances, statutes or ordinances this may represent a non-significant impact.]</p>	<p>Majority of remnant trees are retained; understory removal or road widening protects existing tree health; individual tree removal on a residential, commercial or industrial site.</p> <p>[In the absence of special circumstances, statutes or ordinances this may represent a non-significant impact.]</p>
Moderate Impact	<p>Detectable change or reduction in canopy, structure or composition; loss of some habitat features, subtle impacts increasing fragmentation, edge creation or loss of connectivity (roads, fences, other introduced artificial barriers or buffers).</p> <p>[These impacts are considered significant.]</p>	<p>Regeneration potential is being marginalized; develop areas are expanding into previously undeveloped sites; new roads or stream crossing are being proposed; habitat features are being lost; activities being proposed will add to the existence of exotic and invasive species.</p> <p>[These impacts are considered significant.]</p>	<p>Loss of a majority of existing trees; activities will inhibit or harm residual tree health and vigor; barriers are constructed that increase fragmentation and connectivity;</p> <p>[These impacts may be significant.]</p>
High Impact	<p>Obvious change or reduction or loss in canopy, structure or composition loss of most of the existing habitat features and services; fragmentation and or parcelization of contiguous ownerships; introduction of roads or stream crossings; creation of edge habitats previously absent; construction of barriers (fences).</p> <p>[These impacts are considered significant.]</p>	<p>Large scale impacts including loss of habitat resulting in habitat fragmentation and increased edge. Loss of woodland structure and changes in composition occurring in large continuous patch of woodland.</p> <p>[These impacts are considered significant.]</p>	<p>Loss of remnant trees or stand increases fragmentation across the landscape through the loss of connectivity.</p> <p>[In the absence of special circumstances, statutes or ordinances this may represent a non-significant impact to oak woodlands.]</p>

### Step III: Identifying Potential Mitigatory or Remedial Actions

CEQA does not mandate similar mitigation for all similar projects. Nothing in CEQA requires a local legislative body to enact legislation which uniformly applies a certain level or standard of mitigation to all similar project submitted for environmental review within its jurisdiction. Guidelines § 15130.

Projects predicted to have significant impacts at the individual tree, site (or stand) and/or landscape scale should include mitigation measures designed to avoid, minimize or compensate the impacts. If that is not feasible, a project with residual significant impacts cannot be approved without a finding of overriding considerations by the approving jurisdiction. Mitigation measures may be proposed to reduce the level of impacts, restore impacted resources or enhance degraded resources. In some cases, on-site mitigation will not be practical and so provisions must be made for off-site mitigation or even compensation. Off-site compensation may include both direct measures at other suitable locations or contribution of in-lieu fees. To some extent, the existing conditions at a site, whether *Intact*, *Moderately Degraded* or *Severely Degraded*, will determine the nature and feasibility of on-site mitigation. For example, although on-site mitigation is always preferred, a project within *Severely Degraded* oak woodland may have few options. Consequently, only off-site compensation may be feasible.

Appropriate Mitigation measures may include:

- ✓ Old trees with irreplaceable characteristics are retained.
- ✓ Snags are maintained or recruited where safe and feasible.
- ✓ Snags are well represented by size, specie, and decay class.
- ✓ Measures are initiated to minimize storm water runoff and other sources of non-point source pollution.
- ✓ Stream crossings include measures to minimize water quality degradation and facilitate fish passage.
- ✓ Hydrologically disconnect effects of impervious surfaces from waterways.
- ✓ Areas are designated to serve as seedling/sampling receptor sites or are designed to facilitate natural oak recruitment.
- ✓ Appropriate sites for long-term oak recruitment should be identified within the project impact area, e.g., roadside right-of-ways, utility easements, publicly owned open space, etc.
- ✓ Replacement of like-species of trees.
- ✓ Use of like-species of trees in off-site planting sites.
- ✓ A county-wide policy stipulating a percentage of native oaks be planted in all projects requiring landscape design approval.

- ✓ In-lieu fees, or the Wildlife Conservation Board or County department in order to provide a funding source to expand the impact of oak restorative actions across a larger spatial context on publicly maintained sites and roadways.

The matrix you develop for your particular jurisdiction should be fluid and elastic over time. As information becomes available, the decision matrix you use should be adaptable to address the challenges of your county.

## Appendix I: Mitigation Considerations

The following recommended process was developed to help estimate a compensation fee listed as a mitigation option in California Public Resources Code 21083.4. This text will be incorporated into the implementation Section III of the overall decision-support document.

1. The WCB or Counties themselves are the only entities that can receive funds under option 3 of California Public Resources Code 21083.4<sup>1</sup>.
2. Consider where in the County oak woodlands should be conserved to protect the natural communities they harbor and associated natural resource values. Ultimately, these are areas where funds will be required to protect privately-owned oak woodlands in the county. Existing regional land conservation plans developed by the county, stakeholders, or conservation organizations can be used. If no such plan exists, large continuous areas of mixed oak woodlands that are in need of protection from land conversion should be identified through a planning process (see Planners Guidelines – link to order).
3. Acquire all recent sales (1-3 years) data from woodland properties that are a priority for land conservation identified in step 2. Using this data, determine median value per acre for purchasing land in its entirety and the price range for acquiring a conservation easement from properties in these areas. If the project area falls within the area of interest for conservation then these values should also be determined based on the area impacted by the project. We encourage you to use a qualified property appraiser who has met the educational requirements for General Certification pursuant to the Appraisal Qualifications Board of the Appraisal Foundation and who holds a designation from a recognized professional appraisal organization. The appraiser should be familiar with conservation easement valuation and should follow best practice guidelines (web link here to SCAOSD guidelines).
4. Calculate the impact area of the project and include; the building envelope, new roads, landscaping, all areas enclosed by a fence that prohibits animal movement, and include a border surrounding the building envelope which will likely be impacted by activities associated with development such as pets and invasive weeds. Development results in human-created woodland edges where the natural habitat

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[1] (3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

ends and abuts the human-altered parts of the landscape. These edges can result in strong negative physical and biological impacts detectable as far as 1,640 feet into forested systems (Laurance 1995); therefore woodlands immediately adjacent to development will be impacted and should be considered as part of the impact area of the project.

5. Determine an appropriate mitigation ratio to determine the amount of in-kind (i.e. same type of woodland such as blue, valley or mixed) area that should be protected to compensate for the likely impacts associated with the proposed project.
  - a. If you go with a 1:1 replacement this means that 50% of the woodland resources could ultimately be lost to development over the long-run.
  - b. A 2:1 replacement will more fully compensate for the land impacted by the proposed development.
6. Calculate fee based on the cost of purchasing protected land in its entirety or through a conservation easement in the area identified as a priority for woodland conservation. The amount of protected land to base the fee on can be based on the number of acres impacted by the proposed (see #4) project times the mitigation ratio.
7. If the development being proposed is simply an addition to an existing structure or an outbuilding adjacent to an existing structure that will require the removal of a few trees; then compensation may best be approached through estimating the costs of replacing the trees removed. These estimates can be provided by a certified arborist or consult the International Society of Arboriculture standards for valuing trees of different sizes.
8. Sending this fee to the WCB satisfies the CEQA mitigation requirement detailed in California Public Resources Code 21083.4. The funds will remain with the WCB for future land conservation projects within that county. This allows for a transparent public process for reallocation of these funds to protect public trust benefits.
9. If the County is going to receive the money for compensation rather than the WCB they should consider:
  - a. Collecting a fee for stewardship including compliance and resource monitoring. These fees often range from 5-10% of the total.
  - b. The county should develop and continually update (every 5 years at least) a land acquisition plan that is approved by the county.
  - c. The county should establish an independent spending authority to provide checks and balances to protect the public interest.
  - d. County legal counsel will be responsible for ensuring that the public trust interests are protected through CEQA and for every negotiated conservation easement.
  - e. The county will be responsible for compliance and resource monitoring of any conservation easements that they hold.

- f. The funds collected as mitigation should not be transferred to a private company or non-profit without public oversight.
- g. The time lag between collecting the fee and purchasing land as compensation should be minimized, while still allowing for enough funds to be accumulated to implement a beneficial acquisition.
- h. If funds are held for a period of time, interest should be accrued in order to offset expected increases in land values.

## Appendix II: PRC 12220

# PUBLIC RESOURCES CODE

## SECTION 12220

12220. Unless the context otherwise requires, the definitions in this article govern the construction of this division.

(a) "Applicant" means a landowner who is eligible for cost-sharing grants pursuant to the federal Forest Legacy Program (16 U.S.C. Sec. 2103 et seq.) or who is eligible to participate in the California Forest Legacy Program and the operation of the program, with regard to that applicant, does not rely on federal funding.

(b) "Biodiversity" is a component and measure of ecosystem health and function. It is the number and genetic richness of different individuals found within the population of a species, of populations found within a species range, of different species found within a natural community or ecosystem, and of different communities and ecosystems found within a region.

(c) "Board" means the State Board of Forestry and Fire Protection.

(d) "Conservation easement" has the same meaning as found in Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code.

(e) "Conversions" is a generic term for situations in which forest lands become used for nonforest uses, particularly those uses that alter the landscape in a relatively permanent fashion.

(f) "Department" means the Department of Forestry and Fire Protection and "Director" means the Director of Forestry and Fire Prevention.

(g) "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

(h) "Landowner" means an individual, partnership, private, public, or municipal corporation, Indian tribe, state agency, county, or local government entity, educational institution, or association of individuals of whatever nature that own private forest lands or woodlands.

(i) "Local government" means a city, county, district, or city and county.

(j) "Nonprofit organization" means any qualified land trust organization, as defined in Section 170(h)(3) of Title 26 of the United States Code, that is organized for one of the purposes of Section 170(b)(1)(A)(vi) or 170(h)(3) of Title 26 of the United States Code, and that has, among its purposes, the conservation of forest lands.

(k) "Program" means the California Forest Legacy Program established under this division.

(l) "Woodlands" are forest lands composed mostly of hardwood species such as oak.

## References

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- Laurance, W. F. 1995. Rainforest mammals in a fragmented landscape. In *Landscape approaches in mammalian ecology and conservation*, ed. W. Z. Lidicker Jr., pages 46–63. Minneapolis: University of Minnesota Press
- Nigel Rossouw, N. 2003. A Review of Methods and Generic Criteria for Determining Impact Significance. *AJEAM-RAGEE*. 6:44-61.

**(c) Fish and Game Code Article 3.5 Oak Woodlands Conservation Act.**





easement acquisitions that are the most cost-effective in comparison to the actual resource value of the easement shall be given priority.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**1366.** (a) To qualify for a grant pursuant to this article, the county or city in which the grant money would be spent shall prepare, or demonstrate that it has already prepared, an oak woodlands management plan that includes a description of all native oak species located within the county's or city's jurisdiction.

(b) To qualify for a grant pursuant to this article, the board shall certify that any proposed easement was not, and is not, required to satisfy a condition imposed upon the landowner by any lease, permit, license, certificate, or other entitlement for use issued by one or more public agencies, including, but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or to mitigate a negative declaration required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) of the Public Resources Code.

(c) To qualify for a grant under this article, the applicant shall demonstrate that its proposal provides protection of oak woodlands that is more protective than the applicable provisions of law in existence on the date of the proposal.

(d) A county or city may develop an oak woodlands management plan. A nonprofit corporation, park and open-space district, resource conservation district, or other local government entity may apply to the board for funds to develop an oak woodlands management plan for a county or city, but the county or city shall maintain ultimate authority to approve the oak woodlands management plan.

(e) The process for developing an initial oak woodlands management plan, and the adoption of significant amendments to a plan, as determined by the county or city, are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(f) A proposal by a local government entity, nonprofit corporation, park and open-space district, private landowner, or resource conservation district for a grant to be expended for the purposes of this article shall be certified by the county or city as being consistent with the oak woodlands management plan of the county or city. If the land covered by the proposal is in the jurisdiction of more than one county or city, each county or city shall certify that the proposal is consistent with the oak woodlands management plan of each county or city.

(g) If two or more entities seek grant funding from the board pursuant to this article for the same jurisdiction, the county or city shall designate which entity shall lead the efforts to manage oak woodlands habitat in the area.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**1367.** On or before April 1, 2002, the board and the Department of Forestry and Fire Protection shall develop a memorandum of understanding regarding the protection of oak woodlands that does all of the following:

(a) If necessary, creates a specific process for working together to use money from the fund in conjunction with the California Forest Legacy Program Act of 2000 (Division 10.5 (commencing with Section 12200) of the Public Resources Code).

(b) Lists elements a county or city shall include in its oak woodlands management plan. Items included in the plan shall assist a county or a city to specify conservation priorities and prevent oak woodlands habitat fragmentation while minimizing the cost and administrative burden associated with developing the plan. The elements may include any or all of the following:

(1) Tree inventory mapping.

(2) Oak canopy retention standards.

(3) Oak habitat mitigation measures.

(4) A procedure to monitor the effectiveness of the plan and to modify the plan as necessary.

(c) Designates an online repository for oak woodlands management plans that will be easily accessible to the public and any other state agency involved in oak woodlands conservation efforts.

(d) Discusses the relationship between oak woodlands conservation efforts under this article and efforts by other state agencies to protect oak woodlands, including efforts to combat sudden oak death, and outlines a plan, as necessary, for coordinating with these agencies.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**1368.** The board may not approve a grant to a local government entity, park and open-space district, resource conservation district, or nonprofit organization if the entity requesting the grant has acquired, or proposes to

acquire, an oak woodlands conservation easement through the use of eminent domain, unless the owner of the affected lands requests the owner to do so.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**1369.** A city or county planning department may utilize a grant awarded for the purposes of this article to consult with a citizen advisory committee and appropriate natural resource specialists in order to report publicly to the city council or the board of supervisors on the status of the city's or county's oak woodlands. Each city or county planning department that receives a grant for the purposes of this article shall report to the city council or to the board of supervisors of the county, as appropriate, on the use of those grant funds within one year from the date the grant is received.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**1370.** No money may be expended from the fund to adopt guidelines or to administer the fund until at least one million dollars (\$1,000,000) is deposited in the fund.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**1372.** Nothing in this article grants any new authority to the board or any other agency, office, or department to affect local policy or land use decisionmaking.

*(Added by Stats. 2001, Ch. 588, Sec. 2. Effective January 1, 2002.)*

**Assembly Bill No. 242**

**CHAPTER 588**

An act to add Article 3.5 (commencing with Section 1360) to Chapter 4 of Division 2 of and to add and repeal Section 1363.5 of, the Fish and Game Code, relating to oak woodlands conservation.

[Approved by Governor October 7, 2001. Filed with  
Secretary of State October 9, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 242, Thomson. Wildlife conservation: oak woodlands.

The existing Wildlife Conservation Law of 1947 establishes the Wildlife Conservation Board, and requires the board, among other things, to determine the areas in the state that are most essential and suitable for wildlife production and preservation, as prescribed.

This bill would enact the Oak Woodlands Conservation Act to provide funding for the conservation and protection of California's oak woodlands. The bill would create the Oak Woodlands Conservation Fund in the State Treasury, and would authorize the expenditure of moneys in the fund, upon appropriation by the Legislature, for purposes of the act. The bill would require the board to administer the fund, as prescribed, and would provide that moneys in the fund shall be available to local government entities, park and open-space districts, resource conservation districts, private landowners, and nonprofit organizations for implementation and administration of the act, as provided.

The bill would require each city or county planning department that receives a grant for the purposes of the act to report to the city council or board of supervisors of the county, as appropriate, on the uses of those funds within one year from the date the grant is received.

The existing Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) provides that not less than \$5,000,000 of the proceeds of bonds issued under that act be allocated, upon appropriation by the Legislature, for the preservation of oak woodlands.

This bill would provide for the transfer of not less than \$5,000,000 and not more than \$8,000,000, as determined by the Wildlife Conservation Board, to the Oak Woodlands Conservation Fund to be used for the purposes of the bill.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The conservation of oak woodlands enhances the natural scenic beauty for residents and visitors, increases real property values, promotes ecological balance, provides habitat for over 300 wildlife species, moderates temperature extremes, reduces soil erosion, sustains water quality, and aids with nutrient cycling, all of which affect and improve the health, safety, and general welfare of the residents of the state.

(b) Widespread changes in land use patterns across the landscape are fragmenting the oak woodlands wildland character over extensive areas.

(c) The future viability of California's oak woodlands resources are dependent, to a large extent, on the maintenance of large scale land holdings or on smaller multiple holdings that are not divided into fragmented, nonfunctioning biological units.

(d) The growing population and expanding economy of the state have had a profound impact on the ability of the public and private sectors to conserve the biological values of oak woodlands. Many of the privately owned oak woodlands stands are in areas of rapid urban and suburban expansion.

(e) A program to encourage and make possible the long-term conservation of oak woodlands is a necessary part of the state's wildlands protection policies and programs, and it is appropriate to expend money for that purpose. An incentive program of this nature will only be effective when used in concert with local planning and zoning strategies to conserve oak woodlands.

(f) Funding is necessary to sufficiently address the needs of conserving oak woodlands resources for future generations of Californians.

(g) California voters recognized the importance of funding that is needed to sufficiently protect the state's oak woodlands by passing Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act), which included not less than five million dollars (\$5,000,000) for oak woodlands conservation.

SEC. 2. Article 3.5 (commencing with Section 1360) is added to Chapter 4 of Division 2 of the Fish and Game Code, to read:

Article 3.5. Oak Woodlands Conservation Act

1360. This article shall be known, and may be cited, as the Oak Woodlands Conservation Act.

1361. For purposes of this article, the following terms have the following meanings:

(a) “Board” means the Wildlife Conservation Board established pursuant to Section 1320.

(b) “Conservation easement” means a conservation easement, as defined in Section 815.1 of the Civil Code.

(c) “Fund” means the Oak Woodlands Conservation Fund.

(d) “Land improvement” means restoration or enhancement of biologically functional oak woodlands habitat.

(e) “Local government entity” means any city, county, city and county, district, or other local government entity, if the entity is otherwise authorized to acquire and hold title to real property.

(f) “Nonprofit organization” means a tax-exempt nonprofit organization that meets the requirements of subdivision (a) of Section 815.3 of the Civil Code.

(g) “Oak” means any species in the genus *Quercus*.

(h) “Oak woodlands” means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover.

(i) “Oak woodlands management plan” means a plan that provides protection for oak woodlands over time and compensates private landowners for conserving oak woodlands.

(j) “Special oak woodlands habitat elements” means multi- and single-layered canopy, riparian zones, cavity trees, snags, and downed woody debris.

1362. It is the intent of the Legislature that this article accomplish all of the following:

(a) Support and encourage voluntary, long-term private stewardship and conservation of California’s oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands over time.

(b) Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protects and promotes healthy oak woodlands.

(c) Provide incentives for the protection of oak trees providing superior wildlife values on private lands.

(d) Encourage local land use planning that is consistent with the preservation of oak woodlands, particularly special oak woodlands habitat elements.



(e) Provide guidelines for spending the funds allocated for oak woodlands pursuant to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)).

(f) Establish a fund for oak woodlands conservation, to which future appropriations for oak woodlands protection may be made, and specify grant making guidelines.

1363. (a) The Oak Woodlands Conservation Fund is hereby created in the State Treasury. The fund shall be administered by the board. Moneys in the fund may be expended, upon appropriation by the Legislature, for the purposes of this article.

(b) Money may be deposited into the fund from gifts, donations, funds appropriated by the Legislature for the purposes of this article, or from federal grants or loans or other sources, and shall be used for the purpose of implementing this article, including administrative costs. Funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)), but not including funds dedicated as matching funds for the federal Forest Legacy Program, shall be deposited in the fund.

(c) To the extent consistent with the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)), the board may use money designated for the preservation and restoration of oak woodlands in the Oak Woodlands Conservation Fund for projects in conjunction with the California Forest Legacy Program (Div. 10.5 (commencing with Sec. 12200) of the P.R.C.), but only for the purposes specified in this article and only if the following requirements are met:

(1) The Department of Forestry and Fire Protection shall make an initial recommendation to the board.

(2) The board may deny any initial recommendation to the Department of Forestry and Fire Protection. Subsequently, if the department alters an initial proposal, in a manner that the board determines to be significant, the board may withdraw its initial approval of the recommendation at any time during the process.

(d) The purposes for which moneys in the fund may be used include all of the following:

(1) Grants for the purchase of oak woodlands conservation easements. Any entity authorized to hold a conservation easement under Section 815.3 of the Civil Code may hold a conservation easement



pursuant to this article. The holder of the conservation easement shall ensure, on an annual basis, that the conservation easement conditions have been met for that year.

(2) Grants for land improvement.

(3) Cost-sharing incentive payments to private landowners who enter into long-term conservation agreements. An agreement shall include management practices that benefit oak woodlands and promote the economic sustainability of farming and ranching operations.

(4) Public education and outreach by local government entities, park and open-space districts, resource conservation districts, and nonprofit organizations. The public education and outreach shall identify and communicate the social, economic, agricultural, and biological benefits of strategies to conserve oak woodlands habitat values, including watershed protection benefits that reduce soil erosion, increase streamflows, and increase water retention and sustainable agricultural operations.

(5) Assistance to local government entities, park and open-space districts, resource conservation districts, and nonprofit organizations for the development and implementation of oak conservation elements in local general plans.

(6) Technical assistance consistent with the purpose of preserving oak woodlands.

(e) Not more than 20 percent of all grants made by the board pursuant to this article may be used for the purposes described in paragraphs (4), (5), and (6) of subdivision (d). Not less than 80 percent of funds available for grants pursuant to this article shall be expended for the purposes described in paragraphs (1), (2), and (3) of subdivision (d).

(f) Notwithstanding any other provision of law, this article governs the expenditure of funds for the preservation of oak woodlands pursuant to paragraph (4) of subdivision (a) of Section 5096.350 of the Public Resources Code.

1363.5. (a) Commencing on June 30, 2003, and annually thereafter, the board shall report to the Legislature and the Governor concerning the activities and expenditures of the fund.

(b) (1) In the first report to the Legislature, the board shall provide its best estimate of the total amount, in terms of acreage, species, and coverage, of oak woodlands habitat purchased with funds from the Habitat Conservation Fund and other funds pursuant to the California Wildlife Protection Act of 1990 (Chapter 9 (commencing with Section 2780) of Division 3.

(2) In each subsequent annual report, the board shall update the information required by paragraph (1) to reflect additional oak woodlands habitat purchased with funds from the Habitat Conservation

Fund pursuant to Chapter 9 (commencing with Section 2780) of Division 3, and any purchases made with moneys deposited in the Oak Woodlands Conservation Fund.

(c) The board shall annually provide its best estimate in the report, the acreage, cover, and species of oak woodlands habitat purchased with all moneys from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.

(d) The board shall make all information available online at its Web site.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

1364. Moneys in the fund shall be available to local government entities, park and open-space districts, resource conservation districts, private landowners, and nonprofit organizations for the purposes set forth in subdivision (d) of Section 1363.

1365. The board shall develop and adopt guidelines and criteria for awarding grants that achieve the greatest lasting conservation of oak woodlands. The board shall develop these guidelines in consultation with the Department of Forestry and Fire Protection, the Department of Food and Agriculture, the University of California's Integrated Hardwood Range Management Program, conservation groups, and farming and ranching associations. As it applies to the award of grants for the implementation of this article, the board criteria shall specify that easement acquisitions that are the most cost-effective in comparison to the actual resource value of the easement shall be given priority.

1366. (a) To qualify for a grant pursuant to this article, the county or city in which the grant money would be spent shall prepare, or demonstrate that it has already prepared, an oak woodlands management plan that includes a description of all native oak species located within the county's or city's jurisdiction.

(b) To qualify for a grant pursuant to this article, the board shall certify that any proposed easement was not, and is not, required to satisfy a condition imposed upon the landowner by any lease, permit, license, certificate, or other entitlement for use issued by one or more public agencies, including, but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or to mitigate a negative declaration required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) of the Public Resources Code.

(c) To qualify for a grant under this article, the applicant shall demonstrate that its proposal provides protection of oak woodlands that



is more protective than the applicable provisions of law in existence on the date of the proposal.

(d) A county or city may develop an oak woodlands management plan. A nonprofit corporation, park and open-space district, resource conservation district, or other local government entity may apply to the board for funds to develop an oak woodlands management plan for a county or city, but the county or city shall maintain ultimate authority to approve the oak woodlands management plan.

(e) The process for developing an initial oak woodlands management plan, and the adoption of significant amendments to a plan, as determined by the county or city, are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(f) A proposal by a local government entity, nonprofit corporation, park and open-space district, private landowner, or resource conservation district for a grant to be expended for the purposes of this article shall be certified by the county or city as being consistent with the oak woodlands management plan of the county or city. If the land covered by the proposal is in the jurisdiction of more than one county or city, each county or city shall certify that the proposal is consistent with the oak woodlands management plan of each county or city.

(g) If two or more entities seek grant funding from the board pursuant to this article for the same jurisdiction, the county or city shall designate which entity shall lead the efforts to manage oak woodlands habitat in the area.

1367. On or before April 1, 2002, the board and the Department of Forestry and Fire Protection shall develop a memorandum of understanding regarding the protection of oak woodlands that does all of the following:

(a) If necessary, creates a specific process for working together to use money from the fund in conjunction with the California Forest Legacy Program Act of 2000 (Division 10.5 (commencing with Section 12200) of the Public Resources Code).

(b) Lists elements a county or city shall include in its oak woodlands management plan. Items included in the plan shall assist a county or a city to specify conservation priorities and prevent oak woodlands habitat fragmentation while minimizing the cost and administrative burden associated with developing the plan. The elements may include any or all of the following:

- (1) Tree inventory mapping.
- (2) Oak canopy retention standards.
- (3) Oak habitat mitigation measures.



(4) A procedure to monitor the effectiveness of the plan and to modify the plan as necessary.

(c) Designates an online repository for oak woodlands management plans that will be easily accessible to the public and any other state agency involved in oak woodlands conservation efforts.

(d) Discusses the relationship between oak woodlands conservation efforts under this article and efforts by other state agencies to protect oak woodlands, including efforts to combat sudden oak death, and outlines a plan, as necessary, for coordinating with these agencies.

1368. The board may not approve a grant to a local government entity, park and open-space district, resource conservation district, or nonprofit organization if the entity requesting the grant has acquired, or proposes to acquire, an oak woodlands conservation easement through the use of eminent domain, unless the owner of the affected lands requests the owner to do so.

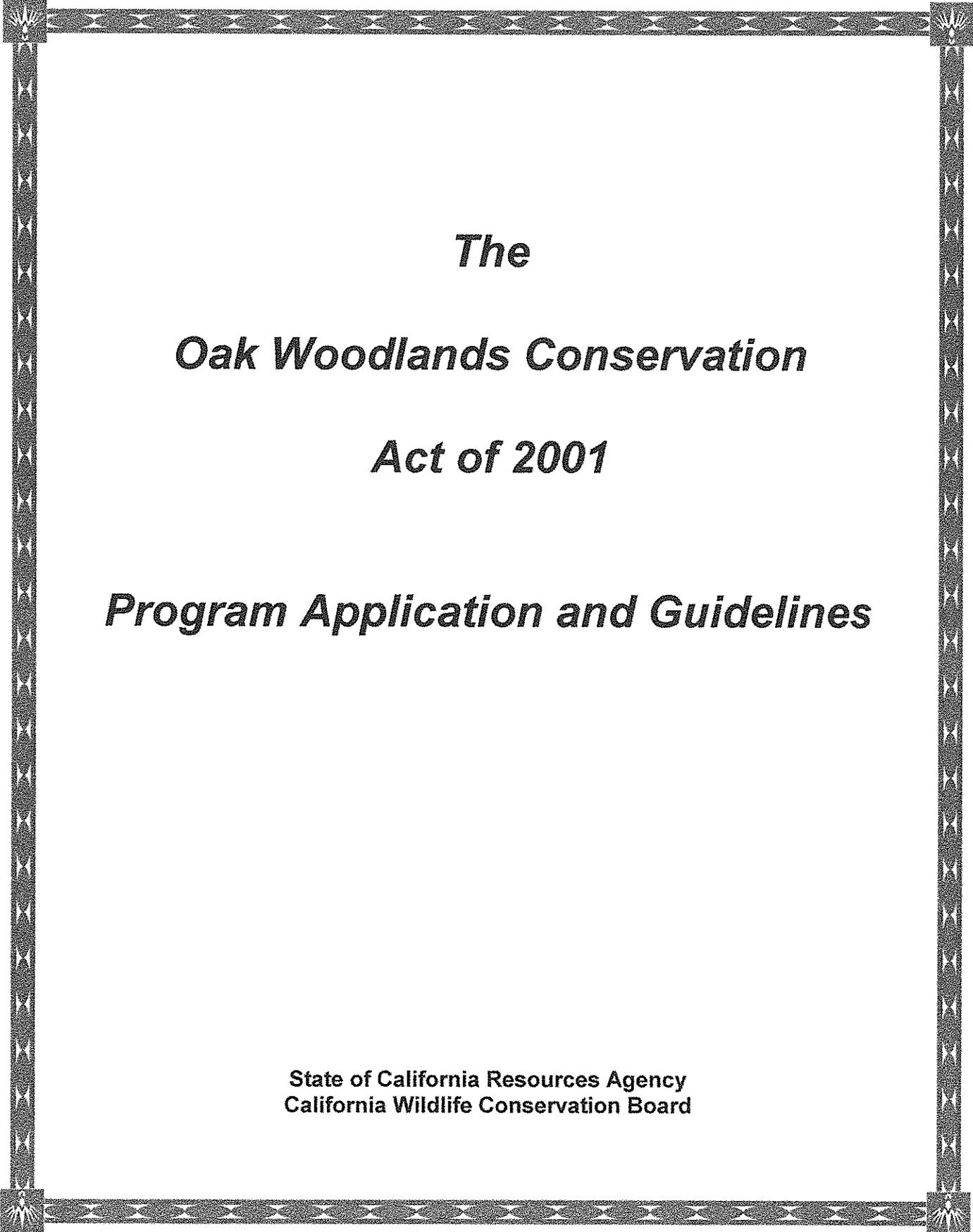
1369. A city or county planning department may utilize a grant awarded for the purposes of this article to consult with a citizen advisory committee and appropriate natural resource specialists in order to report publicly to the city council or the board of supervisors on the status of the city's or county's oak woodlands. Each city or county planning department that receives a grant for the purposes of this article shall report to the city council or to the board of supervisors of the county, as appropriate, on the use of those grant funds within one year from the date the grant is received.

1370. No money may be expended from the fund to adopt guidelines or to administer the fund until at least one million dollars (\$1,000,000) is deposited in the fund.

1372. Nothing in this article grants any new authority to the board or any other agency, office, or department to affect local policy or land use decisionmaking.

SEC. 3. An amount not less than five million dollars (\$5,000,000) and not more than eight million dollars (\$8,000,000), as determined by the Wildlife Conservation Board, from moneys in the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund available for oak woodlands conservation pursuant to paragraph (4) of subdivision (a) of Section 5096.350 of the Public Resources Code shall be transferred to the Oak Woodlands Conservation Fund created pursuant to Section 1363 of the Fish and Game Code, to be used for the purposes of Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code.

**(d) Oak Woodlands Conservation Act Program Application and Guidelines.**



***The***  
***Oak Woodlands Conservation***  
***Act of 2001***  
  
***Program Application and Guidelines***

**State of California Resources Agency  
California Wildlife Conservation Board**

Wednesday, November 5, 2014

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## Oak Woodlands Conservation Program

### Overview

The Oak Woodlands Conservation Program offers landowners, conservation organizations, cities and counties, an opportunity to obtain funding for projects designed to conserve and restore California's oak woodlands. While the Program is statewide in nature, it provides opportunities to address oak woodland issues on a regional priority basis.

The Program is designed to help local efforts achieve oak woodland protection. More importantly, this Program provides a mechanism to bring ranchers and conservationists together in a manner that allows both to achieve that which is so valued—sustainable ranch and farming operations and healthy oak woodlands.

### Application and Guidelines

**Almost all funding available for this program has been allocated. Before completing an application please contact the Assistant Executive Director of Acquisitions, Dave Means at (916) 445-1095.**

While applications are accepted on a year-round basis, the WCB generally meets four times a year. Typically, Board meetings are held in February, May, August and November. All applications that comply with the program requirements and meet program eligibility criteria will be scheduled for Board consideration if sufficient money exists to fund the request. Applicants will be notified as to when the project will be considered by the Board. The Board must approve any project to be funded.

Call (916) 445-8448 with any questions prior to completing an application package.

- [The Oak Woodlands Conservation Act of 2001, Program Application and Guidelines \(Word\)](#)

Mail applications to:

Executive Director, Wildlife Conservation Board  
1807 13th Street, Suite 103  
Sacramento, California 95811

[Riparian](#) | [Forest](#) | [Wetlands](#) | [Agricultural Lands](#) | [Rangeland](#) | [Oaks](#) | [Habitat Enhancement](#) | [Acquisition](#) | [Tax Credit](#) | [Public Access](#) | [Monitoring](#) | [Terms Of Use](#) | [Privacy Statement](#)

**Wildlife Conservation Board**  
1807 13th Street, Suite 103, Sacramento, CA 95811 | (916) 445-8448 | [Contact WCB](#)  
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## *Preface*

The management of our natural resources is a complex and challenging endeavor; conservation of oak woodlands is no exception. Currently there are about 10 million acres of oak woodlands found in 54 of California's 58 counties, 80 percent of which are located on privately owned property. As the population of California continues to increase and more and more Californian's are leaving the metropolitan areas in favor of a more rural lifestyle, the debate over how best to protect and conserve oak trees and oak woodlands is becoming more controversial.

In response to the continuing loss of oak woodlands, Chapter 588, Statutes of 2001, enacted the Oak Woodlands Conservation Act. The Act specifically recognizes the importance of oak woodlands and how oak trees enhance the natural and scenic beauty of this State. Further, the Act acknowledges the important role oak woodlands play in the economic, social, environmental and ecological matters of this State. More importantly, the Act is designed to serve a segment of California's population that is directly associated with the preservation of oak woodlands, the private landowner.

The Act mandates the Wildlife Conservation Board to establish a grant program designed to protect and restore oak woodlands using conservation easements, cost-share and long-term agreements, technical assistance and public education and outreach. The Program provides incentives designed to foster the conservation of oak woodlands in a manner that promotes local priorities while sustaining the economic viability of farming and ranching operations.

Developing partnerships and working with private landowners, city and county entities, nonprofit organizations and other state departments, the Oak Woodlands Conservation Act provides an opportunity to reward landowners that have implemented good stewardship practices. Further, an opportunity exists to provide financial rewards to landowners who continue to integrate oak woodland conservation into their farming and ranching operations.

The following information has been prepared to familiarize the potential applicant with the provisions of the Oak Woodlands Conservation Act and the requirements of the new program. Applicants are encouraged to carefully review the following information and submit an application to the Wildlife Conservation Board.

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## CHAPTER 1

### The Oak Woodlands Conservation Act

#### California's Oak Woodlands

An innovative effort called the California Oak Woodlands Conservation Program, enacted by Chapter 588, Statutes of 2001 has recently been implemented. The Act recognizes the importance of California's oak woodlands, how they enhance the natural and scenic beauty of this great State, the critical role of the private landowner and the importance of private land stewardship. The Act further acknowledges how oak woodlands increase the monetary and ecological value of real property and promote ecological balance.

Oak woodlands provide habitat for more than 300 species of wildlife, moderate temperature extremes, reduce soil erosion and sustain water quality. Moreover, oak woodlands facilitate nutrient cycling and provide forage for numerous wildlife species.

The oak tree has played such an important role in California history that one only has to travel a few miles to find a town, city or residential complex named after the majestic oak tree. Yet, in spite of the importance and critical role oaks have played in shaping California's history, its economy and landscape, the State continues to lose oak woodlands to development, firewood harvesting and agricultural conversions.

Approximately two-thirds or 10 million acres of California's oak woodlands remain intact, about 80 percent of which are found on private property. Of the remaining oak woodlands, only about 4 percent are protected from conversion. Today, the single largest threat to oak woodlands is residential, commercial and industrial development. Conversion of oak woodlands to intensive agricultural development such as orchards and vineyards also takes a heavy toll.

Other factors, contributing to the loss of oak woodlands (as seen in Appendix A, Table 1,) include woodcutting, the lack of oak regeneration and Sudden Oak Death (SOD). For these reasons and because the preponderance of remaining oak woodlands can be found on privately owned property, the California Oak Woodlands Conservation Program is designed to accommodate the needs of the private landowner while fostering protection for oak woodlands.

## **Opportunities for People and Oak Woodlands**

Although the rate of conversion of oak woodlands, coupled with the lack of oak regeneration and the emergence of SOD present a very dismal outlook and future for California oak woodlands, there is an opportunity to reverse the present trend. With 80 percent of the remaining oak woodlands on private lands, an opportunity exists to compensate landowners who have maintained economic opportunities for the property without sacrificing open space, healthy watersheds and quality wildlife habitat. In addition, opportunities exist for private landowners to restore oak woodlands while further enhancing the economic potential of their ranchlands.

## **The Oak Woodlands Conservation Program**

The Oak Woodlands Conservation Program offers landowners, conservation organizations, cities and counties, an opportunity to obtain funding for projects designed to conserve and restore California's oak woodlands. While the Program is statewide in nature, it provides opportunities to address oak woodland issues on a regional priority basis.

The Program is designed to help local efforts achieve oak woodland protection. More importantly, this Program provides a mechanism to bring ranchers and conservationists together in a manner that allows both to achieve that which is so valued, -- sustainable ranch and farming operations and healthy oak woodlands.

## **Legislative Intent**

Recognizing the importance of oak woodlands and the critical role private landowners have in the conservation of oaks, the Legislature created the Oak Woodlands Program with the expressed intent the Program accomplish the following:

1. Support and encourage voluntary, long-term private stewardship and conservation of California oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands;
2. Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protect and promote healthy oak woodlands;
3. Provide incentives for the protection of oak trees providing superior wildlife values on private land, and;
4. Encourage planning that is consistent with oak woodlands preservation.

## Purpose and Authority

To accomplish the legislative intent, the Act identifies the Wildlife Conservation Board (WCB) as the responsible entity to implement the Oak Woodlands Conservation Program. The Act authorizes the WCB to purchase oak woodland conservation easements and provide grants for land improvements and restoration efforts.

In addition, the WCB is authorized to award cost-sharing incentive payments to private landowners who enter into long-term agreements. Such agreements will be structured to include management practices that benefit oak woodlands and promote the economic sustainability of the farming or ranching operation.

The Act requires that at least 80 percent of the money be used for grants for the purchase of easements, for restoration activities or for enhancement projects. In addition, the funds may be used for grants that provide cost-share incentive payments and long-term agreements.

The remaining 20 percent may be used for public education and outreach efforts by local governments, park and open space districts, resource conservation districts and nonprofit organizations. Within the 20 percent category, funds may also be used for grants designed to provide technical assistance and to develop and implement oak conservation elements in local general plans.

While the Act specifies how the monies are to be allocated, the Act requires that priority be given to grants that result in the purchase of oak woodland conservation easements.

## Definitions

For purposes of the Oak Woodlands Conservation Program, the following definitions govern the implementation of this program:

**Board** means the Wildlife Conservation Board.

**Baseline Condition Report** means a description of existing oak woodland resources present on the property and their management.

**Conservation Easement** as defined in Section 815.1 of the Civil Code.

**Ground Fire** means a fire that consumes material lying beneath the ground surface including deep duff, roots, etc.

**Land improvement** means a restoration or enhancement project.

**Local government entity** means any city, county, city and county, district, Resource Conservation District or other local governmental entity.

**Nonprofit organization** means an entity that meets requirements of Section 815.3 of Civil Code.

**Oak** means any species in the genus *Quercus*.

**Oak Woodlands** means an oak stand with a greater than 10% canopy cover or that may have historically supported greater than 10% canopy cover.

**Special oak woodlands habitat elements means** multi and single layer canopy, riparian zones, cavity trees, snags and downed woody debris.

**Stand Replacing Fire** means a fire that is of sufficient intensity to convert the stand to earlier stages of plant community succession and composition.

**Surface Fire** means a fire that burns surface litter, debris and short vegetation.

**Working Landscape** means property from which income is derived from the management of natural resources present on the land.

## **Program Development and Stakeholder Group**

The Oak Woodlands Conservation Act requires the WCB to develop guidelines and criteria for awarding grants that achieve the greatest conservation for oak woodlands. The Act further requires the Board to develop these guidelines in consultation with the California Department of Forestry and Fire Protection, the California Department of Food and Agriculture, the University of California's Integrated Hardwood Range Management Program and representatives from farming, ranching and conservation groups.

WCB expanded the original stakeholder group to include input from the following organizations: several county boards of supervisors, special district representatives, California Department of Fish and Game, California Resources Agency, California Department of Conservation, California Oaks Foundation, The Nature Conservancy, California Cattlemen's Association, California Rangeland Trust, High Sierra Resource Conservation & Development Area and the Santa Barbara County Planning Department.

## **Mission and Program Goal Statements**

Through a series of workshops and small group meetings, the stakeholder group developed a program mission and goal statements to further clarify the program and guide the WCB in selecting projects designed to meet the legislative intent and purpose of the program. To this end, the following statements were developed:

### **Mission Statement:**

“Conserve the integrity and diversity of oak woodlands across California’s working landscapes through incentives and education.”

### **Legislative Goal Statements:**

- ✓ Support and encourage voluntary, long-term private stewardship and conservation of California oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands;
- ✓ Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protect and promote healthy oak woodlands;
- ✓ Provide incentives for the protection of oak trees providing superior wildlife values on private land, and;
- ✓ Encourage planning that is consistent with oak woodlands preservation

### **Complimentary Stakeholder Goal Statements:**

- ✓ Provide technical and financial assistance to counties that will result in effective oak conservation measures in local planning efforts. Such measures shall encourage and support the conservation, enhancement and management of sustainable oak woodlands across working landscapes and other privately owned oak woodlands.
- ✓ Provide financial incentives, education and technical assistance to private landowners that will result in oak habitat conservation and enhancement across working landscapes and other privately owned oak woodlands.
- ✓ Support projects in counties that have adopted oak retention, enhancement and management policies consistent with the intent of the Oak Woodlands Conservation Act of 2001. Using long-term agreements and easements, projects shall be designed to benefit private landowners that conserve oak woodlands, the community and wildlife species dependent on oak woodlands and associated habitats.

## CHAPTER 2

### Status of Oak Woodlands

As previously mentioned, there are about 10 million acres of oak woodlands remaining in California. For purposes of the Oak Woodlands Conservation Program, oak trees are defined as any species in the genus *Quercus*, and oak woodlands are defined as oak stands with greater than 10 percent canopy cover or stands that may have historically supported greater than 10 percent canopy cover in the past.

The California Wildlife Habitat Relationships System (CWHR) describes five habitat types used to identify California's oak-dominated woodlands. The CWHRs types are based on the dominant tree species and include Valley Oak, Blue Oak, Blue Oak-Foothill Pine and Coastal Oak.

For additional information on oak woodlands, wildlife and wildlife habitats in oak woodlands, applicants are encouraged to consult with the local biologist from the California Department of Fish and Game or the UC Integrated Hardwood Range Management Program (IHRMP). In addition, for excellent information on oak woodlands contact the IHRMP website at the following address:

<http://danr.ucop.edu/ihrmp/wildhab>

#### Oak Regeneration

While the loss of oak woodlands to urbanization and intensive agriculture is alarming, another threat is even more troublesome. Several oak species are not regenerating in portions of their range. Young trees are not replacing older trees that are removed (for various reasons) or die of natural causes.

Oak species that are particularly impacted by the lack of regeneration include the valley oak, blue oak, coast live oak and in some areas, the California black oak. While the reasons for the lack of regeneration are varied, complex and controversial, i.e., over grazing, fire suppression, noxious weeds, invasion of weedy annual grasses and suppression of native perennial grasses, the solutions are equally complex and varied. Facilitating oak regeneration, while challenging, can be successful if collaboration and partnerships are developed with private landowners. Regeneration techniques such as seedling shelters, weed control, and improved grazing practices have proven successful in promoting the regeneration of oak trees.

For additional information on oak regeneration or recruitment, applicants are encouraged to contact the following:

1. Point Reyes Bird Observatory at (414) 868-1221 or [www.prbo.org](http://www.prbo.org)
2. CDF Fire and Resource Assessment Program (916) 227-2651 or <http://frap.cdf.ca.gov>
3. California Department of Fish and Game (916) 653-1738 or [www.dfg.ca.gov](http://www.dfg.ca.gov)
4. UC Integrated Range Management Program at (530) 639-8807 or <http://danr.ucop.edu/ihrmp>
5. California Oaks Foundation at (510) 763-0282 or [www.californiaoaks.org](http://www.californiaoaks.org)

### **Sudden Oak Death Syndrome**

Another threat to California's oak woodlands is Sudden Oak Death (SOD). While first discovered in 1995, today, the disease has spread to 12 counties and has killed tens of thousands of oaks and tanoaks. Oak trees observed to have symptoms of SOD include black oak, coast live oak, interior live oak and Shreves oak. The disease is currently restricted to oaks trees along California coastal areas though some fear the disease will continue to spread inland.

To date, there is no known cure for the disease. Because of the severity of SOD and the potential, large-scale impact upon numerous economic, social and recreational sectors throughout California, extensive research is underway to understand and find the means to limit the spread of this disease. Furthermore, in light of the severity of this disease and the ease of transmission, there are strict state and federal regulations governing the movement of plant material and soil within and out of counties with observed occurrences of SOD.

The Oak Woodlands Conservation Program is not equipped to address issues associated with SOD. As such, it is recommended that potential applicants from a county that has been quarantined because of SOD consult with their local agricultural commissioner, Fish and Game biologist and UC Extension Office. In addition, any proposal submitted from a quarantined county will be forwarded to the California Oak Mortality Task Force for additional review and comment.

For additional information on SOD, applicants are encouraged to contact the following:

1. California Oak Mortality Task Force at (510) 642-5938 or <http://www.cnr.berkeley.edu/comtf/>
2. Local County Agricultural Commissioners Office

3. CDF Fire and Resource Assessment Program (916) 227-2651 or <http://frap.cdf.ca.gov>
4. California Department of Food and Agriculture at (916) 445-6214 or [www.kkosta@cdfa.ca.gov](mailto:www.kkosta@cdfa.ca.gov)
5. California Department of Fish and Game at (916) 653-1738 or [www.dfg.ca.gov](http://www.dfg.ca.gov)
6. Sudden Oak Death at [www.suddenoakdeath.org](http://www.suddenoakdeath.org)
7. Local UC Cooperative Extension Office

### **Geographic Distribution of Oak Woodlands**

To understand the distribution, status and management issues associated with approximately 10 million acres of oak woodlands throughout California, the Stakeholder Group divided the State into eight unique geographical areas or oak sections. Using information from the Ecological Units of California, each of the oak sections are described below and displayed in Appendix A (maps 1 through 8). In addition, Table 1 summarizes the major threats facing oak woodlands within each of the eight sections.

#### **1. North Coast Oak Woodland Section**

The North Coast Section contains approximately 2.1 million acres of oak woodlands. The boundaries run from Crescent City in the North to Marin in the South. The entire Section covers approximately 12,618 square miles (8.08 million acres) and varies in elevation from sea level on the western edge to approximately 8,100 feet.

The predominant oak species include valley oaks in the southern reaches of the area, blue oak, black oak, canyon oak, interior live oak, Shrives oak and Oregon white oak in the upper reaches of Humboldt and Del Norte Counties and coastal live oak along coastal areas.

Oak woodlands face conversion pressures, predominantly to vineyards, residential developments and ranchettes. Over grazing, lack of oak regeneration, firewood cutting and in some areas, Sudden Oak Death threaten the biological integrity of the oak woodlands.

Precipitation: 20 to 120 inches

Fire Disturbance Regime: Historic occurrence is changing from frequent, low intensity surface fires, to infrequent, moderate to high intensity ground or stand replacing fires.

## **2. Klamath/South Cascade Oak Woodland Section**

This Section contains approximately 940,000 acres of oak woodlands and borders the North Coast Region on the west. The Section covers approximately 15,198 square miles (9.7 million acres) and varies in elevation from 200 feet to 14,600-foot elevation at Mt. Shasta.

The predominant oak species include valley oak, blue oak, black oak, interior live oak, and Oregon white oak.

The major threat in this Section comes from firewood cutting. In addition, threats include agricultural conversion, development of mini ranchettes, and lack of oak regeneration, drought and poor watershed conditions.

Precipitation: 8-120 inches

Fire Disturbance Regime: In the western portion of the section and at lower and mid-elevations, historic fire occurrence has changed from frequent, low intensity ground fires to infrequent, high intensity stand replacing fires. In the eastern portion of the section and at lower and mid-elevations, historic fire occurrence has changed from frequent low intensity surface fires to infrequent, high intensity stand replacing fires.

## **3. Modoc Oak Woodland Section**

This Section contains approximately 5,000 acres of oak woodlands comprised of a few areas of blue oak woodlands and montane hardwood forests. The Section is 6,222 square miles (4 million acres) in size and ranges in elevation from 300 to 9,900 feet. The principal threat in this area comes from over grazing and extensive firewood cutting.

Precipitation: 8-30 inches

Fire Disturbance Regime: Historic occurrence has changed from frequent, low intensity ground fires to infrequent, high intensity stand replacing fires.

## **4. Central Coast Oak Woodland Section**

The Central Coast Section contains approximately 1.9 million acres of oak woodlands and covers the area from San Francisco in the north to San Luis Obispo in the south. The entire Section covers approximately 14,891 square miles (9.5 million acres) and varies in elevation from sea level on the western edge to approximately 5,200 feet in the eastern portion of the Section.

The predominant oak species include valley oak, a few black oak, blue oak, interior live oak and coastal live oak.

Intensive agricultural development and conversion of oak woodlands to vineyards is the major threat in this Section. In addition, the northwest and central portions of the Section are experiencing confirmed cases of Sudden Oak Death. Lack of oak regeneration, coupled with periodic drought and increased fire risk, threatens many of the remaining large stands of oak woodlands.

Precipitation: 6-60 inches

Fire Disturbance Regime: Fires are of variable intensity and frequency and are ground or stand replacing.

## **5. Southern California Coast Oak Woodland Section**

The Southern Coast Section has approximately 590,000 acres of oak woodlands remaining throughout the area. The Section covers the area from Santa Barbara County in the north to San Diego County in the south. The entire Section covers approximately 15,893 square miles (10.2 million acres) and varies in elevation from sea level on the western edge to approximately 11,500 feet in the eastern portion of the Section.

The predominant oak species include Engleman oak, valley oak, coast live oak, interior live oak, canyon live oak and blue oak.

High density, residential development is the principal threat in this area resulting in fragmented landscapes and few remaining large tracks of oak woodlands. Intensive agricultural development also threatens the remaining oak woodlands.

Precipitation: 6-40 inches

Fire Disturbance Regime: Historic occurrence has changed from fires of variable frequency, season and intensity to more frequent, larger and more intense fires. In the eastern portion of the Section, fires that are stand replacing, are of variable frequency, season and intensity.

## **6. Great Valley Oak Woodland Section**

This Section contains approximately 960,000 acres of oak woodlands and covers the Central Valley from Redding in the north to Bakersfield in the south. The entire area covers approximately 21,815 square miles (about 14 million acres) and varies in elevation from 300 foot elevation on the western edge to 50 foot in the center to approximately 3,000 feet on the east side.

The predominant oak species include valley oak, blue oak, Oregon white oak, black oak, interior live oak and canyon live oak.

The principal threat to oak woodland values in the Central Valley comes from residential development and intensive agricultural conversion. In addition, extensive firewood cutting in the northern areas of Shasta and Tehama County, poor oak regeneration, development of small ranchettes, over grazing and hobby livestock coupled with ground water diversions pose additional threats to the oak woodlands.

Precipitation: 5-40 inches

Fire Disturbance Regime: Historic occurrence has changed from frequent, fast-moving large fires to infrequent, small fires, or fire has been mostly excluded due to conversion to irrigated agriculture and urban development. In the northwest portion of the section, fires are presently of low, moderate, or high intensity and surface or stand replacing.

## **7. Sierra Nevada Foothills Oak Woodland Section**

The Sierra Nevada Foothill Section, one of the largest oak woodland areas remaining in California, contains approximately 2.1 million acres of oak woodlands. The Section covers the eastern edge of the Central Valley from Redding in the north to Kern County in the south. The Section covers approximately 7,024 square miles (4.5 million acres) and varies in elevation from 200 feet on the western edge to approximately 5,000 feet elevation level on the eastern edge of the Section.

The predominant oak species include blue oak, black oak, interior live oak, and some valley oak.

Residential development and intensive agricultural conversion to vineyards threaten the oak woodlands. In addition, firewood cutting, poor oak regeneration and low density, suburban development in the form of small ranchettes, affect the oak woodlands.

Precipitation: 8-40 inches

Fire Disturbance Regime: Fires are currently of low, moderate or high intensity and surface or stand replacing.

## **8. Sierra Nevada Oak Woodland Section**

The Sierra Nevada Section contains approximately 590,000 acres of oak woodlands and covers the higher elevations of the west side and the eastern edge of the Sierra Nevada. The Section covers approximately 19,919 square miles (12.7 million acres) and varies in elevation from 1,000 feet on the western edge to approximately 15,000 feet in the eastern portion of the Section.

The predominant oak species include blue oak, black oak, interior live oak and some valley oak. The Section also provides critical riparian vegetation containing oaks.

The important threats for this Section include residential development and intensified agricultural conversion, primarily vineyards. In addition, poor oak regeneration, increasing low density, suburban development, and high fire risk are concerns.

Precipitation: 10-90 inches

Fire Disturbance Regime: At lower and mid-elevation of the section, historic occurrence has changed from frequent, low intensity ground fires to infrequent, high intensity stand replacing fires.

## CHAPTER 3

### Program Requirements

The Oak Woodlands Conservation Act requires that to qualify for a grant, the county or city in which the grant money would be spent, shall prepare or demonstrate that it has already prepared an oak woodlands management plan. Once the city or county has prepared or demonstrated that an Oak Woodland Management Plan exists, a landowner would then be eligible to participate in the program.

#### **The Oak Woodlands Management Plan**

Prior to WCB awarding a grant for an oak woodland conservation easement, restoration or enhancement project or any public education or outreach project, Section 1366 of the Act requires that a city or county in which grant money would be spent shall prepare or demonstrate that it has already prepared an Oak Woodlands Management Plan. The Act requires the plan to include a description of all native oak species located within the county or city's jurisdiction.

To assist with the preparation of the plan, the Act allows a nonprofit organization, park or open space district, resources conservation district or other local government entity to apply to the Board for funds to develop an Oak Woodlands Management Plan for a county or city. However, the county or city shall maintain ultimate authority to approve the Oak Woodlands Management Plan. If two or more entities seek grant funding from the Board to prepare an Oak Woodlands Management Plan for the same jurisdiction, the county or city shall designate which entity shall lead the efforts to prepare the necessary document.

The Advisory Committee recognized that such a plan should contain elements designed to encourage the long-term conservation of oak woodlands. More importantly, the committee recognized that elements of the required plan should not be overly restrictive to discourage landowners, or local jurisdictions from participating in the program.

To participate in the Oak Woodlands Conservation Program, a county or city shall adopt an Oak Woodlands Management Plan in the form of a Resolution. The Resolution does not have to be part of the General Plan. If a county or city currently has a plan in place that meets the minimum requirements of the Oak Woodlands Management Plan, a resolution by the governing body certifying such compliance is sufficient.

A Resolution shall be adopted that contains at least the following elements:

**Minimum Elements  
Oak Woodlands Management Plan  
To Be  
Approved by  
Local Resolution**

1. The county or city agrees to adopt a Resolution to offer private landowners the opportunity to participate in the Oak Woodlands Conservation Program. The Oak Woodlands Management Plan and Resolution is adopted pursuant to the requirements of California Fish and Game Code Section 1366 (a). Previously adopted resolutions are acceptable if they meet the minimum requirements of the Resolution.
2. The county or city shall prepare statements that describe the status of oak woodlands in their jurisdiction. Such statements shall include a description of all native oak species, estimates of the current and historical distribution of oak woodlands, existing threats, status of natural regeneration and growth trends. To the extent possible, local jurisdictions shall prepare maps displaying the current distribution of oak woodlands.
3. The county or city shall prepare statements recognizing the economic value of oak woodlands to landowners and the community at large. These statements shall encourage and support farming, ranching and grazing operations that are compatible with oak woodland conservation.
4. The county or city shall prepare statements recognizing the natural resource values of oak woodlands including the critical role oak woodlands play relative to the health and function of local watersheds, soil and water retention, wildlife habitat, open space and the reproduction or reduction of fuel loads.
5. The county or city shall prepare statements recognizing that the loss of oak woodlands has serious effects on wildlife habitat, retention of soil and water and that planning decisions for oak woodlands should take into account potential effects of fragmentation of oak woodlands.
6. The county or city shall prepare statements expressing support for landowners that participate in the Oak Woodlands Conservation Program. To qualify for funding consideration by the Wildlife Conservation Board, the county or city agree, pursuant to Section 1366 (f) of the Act to certify that individual proposals are consistent with the county or city Oak Woodlands Management Plan.
7. The county or city shall prepare statements that support and encourage education and outreach efforts designed to demonstrate the economic, social and ecological values associated with oak woodlands.

8. The county or city shall review and update as necessary, the Oak Woodlands Management Plan.

### **Eligible Participants**

The Oak Woodlands Conservation Program is designed to consider grant proposals from the following participants: private landowners, local government entities, park and open space districts, resource conservation districts and nonprofit organizations. Participants are encouraged to develop partnerships with interested individuals or organizations that are designed to leverage available technical and financial resources.

In addition, pursuant to Section 1366 (f), the county or city shall certify that proposed grant requests are consistent with the Oak Woodlands Management Plan of the county or city. As such, eligible participants must consult with the local county or city and obtain a certification (see Application, Required Attachments and Certifications) that the proposal is consistent with local Oak Woodlands Management Plan.

Further, Section 1366 (f) requires that if the land covered by the proposal is in the jurisdiction of more than one county or city, then each county or city shall certify that the proposal is consistent with the Oak Woodlands Management Plan of each county or city.

### **Eligible Easement Acquisition, Restoration or Long-Term Agreement Projects**

Pursuant to the requirements of Section 1363, the Act requires that no less than 80 percent of the funds be used for the following type of projects:

1. Grants for the purchase of oak woodland easements.

The holder of the conservation easement shall ensure, on an annual basis that the conservation easement conditions have been met for that year. To facilitate this annual review, a *Baseline Condition Report* shall be prepared that identifies the biological resources that are present on the property and covered under the conservation easement. The Act requires that priority be given to projects designed to protect oak woodlands in perpetuity with conservation easements.

2. Grants for restoration or enhancement projects.

Project proposals must contain an appropriate management plan that describes the restoration effort and the management practices that will be used to ensure the restoration or enhancement effort achieves the goals of the landowner and the goals of the project.

3. Grant for long-term leases.

Projects are designed to protect oak woodlands for purposes of open space, viewshed, wildlife habitat or alternative grazing opportunities. Such leases must be managed according to a management plan prepared to meet the goals stated in the long-term lease or project agreement.

4. Grants for cost-sharing incentive payments.

Projects designed to achieve conservation objectives and the landowner is willing to enter into long-term agreements. Such agreements shall include management practices that benefit the goals of the landowner and the oak woodlands. The length of the long-term agreement will be dependent upon the nature of the project, the goals of the landowner and benefits to the oak woodlands. Typical long-term agreements could run 15, to 45-years. Cost-share incentive payments could include, but are not necessarily limited to the following:

- Compensation for not cutting trees for firewood.
- Long-term payment to keep the land in open space, managed according to a plan designed to benefit the landowner and the oak woodlands.
- Reimbursement for conservation improvements such as fencing, solar panels, grazing cages to protect young oak saplings, alternative water sources, tree planting and tree maintenance.
- Compensation for alternative grazing practices such as up-front payments to defer grazing on restoration areas. Areas would be managed according to a plan designed to benefit the goals of the landowner and the restoration of the oak woodlands.

Applicants are encouraged to seek input from the local Fish and Game Biologist or other resource professionals when developing proposals that request funding for conservation easements, development of management plans or long-term agreements.

**Criteria for Easement Acquisition, Restoration or Long-Term Agreement Projects**

To qualify for funding consideration for a restoration, enhancement, purchase of an oak conservation easement or long-term agreement, projects must meet one or more of the following criteria, must contain an appropriate management plan to assure project goals are maintained and the oak stand must have greater than 10 percent canopy:

- ✓ The project is of sufficient size to provide superior wildlife values.
- ✓ The project area contains a diverse size-class structure of oak woodlands and/or a diversity of oak species that will promote the sustainability and perpetuation of oak woodlands.
- ✓ The property is adjacent to other protected areas or will contribute toward ease of wildlife movement across ownerships.
- ✓ The project contributes toward regional or community goals, provides scenic open-space, protects historic or archeological values, or contains unique geologic features.
- ✓ The property is a working landscape. The landowners have implemented or agree to implement stewardship practices that recognize and incorporate the ecological requirements of oak woodlands and associated habitats, thus promoting the economic and resource sustainability of the farming and ranching operation
- ✓ The property removes or reduces the threat of habitat conversion from oak woodlands to some other use.
- ✓ The project has the potential to serve as a stewardship model for other landowners.

### **Eligible Public Education, Outreach and Technical Assistance Projects**

Pursuant to the requirements of Section 1363, the Act allows for 20 percent of the funds to be used for the following type of projects:

1. Grants for public education and outreach by local governments, park and open space districts, resource conservation districts and nonprofit organizations.
2. Assistance to local government entities, park and open space districts, resource conservation districts and nonprofit organization for the development and implementation of oak conservation elements in local general plans.
3. Technical Assistance.

## **Criteria for Education, Outreach and Technical Assistance Projects**

To qualify for funding consideration for a public education, outreach proposal or technical assistance project, the project must meet the following criteria:

- ✓ The project shall be designed to identify and communicate the social, economic, agricultural and biological benefits of conserving oak woodlands.
- ✓ The project shall be designed and targeted to reach the maximum number of local landowners that could benefit from public education and outreach efforts.
- ✓ The project shall be designed and implemented as a collective effort or partnership that, where appropriate, includes local entities such as; landowners, the Resource Conservation District, Fish and Game Biologist, UCCE Farm Advisor, representatives from farming or ranching organizations and the county or city planning department.
- ✓ The project shall be designed to promote and encourage oak woodland conservation through voluntary approaches.
- ✓ The project shall provide sources of available financial and/or technical information to assist landowners wishing to conserve their oak woodlands.
- ✓ The project will identify measurable goals and objectives to evaluate the success of the project. For projects not completed within one year of approval, the design shall include specific interim deliverables or benchmarks and a timeline for completion.
- ✓ If requested by the WCB, project sponsors must be willing to make education, outreach and technical assistance information available online so that other project proponents may benefit from the education and outreach effort. Such information should not include private or proprietary information about private landowners or their operations.

## CHAPTER 4

### Administrative Process

#### Developing Partnerships

While the Oak Woodlands Conservation Program promotes conservation of privately owned oak woodlands, the easement acquisition portion of the Program is not designed to accept applications directly from private landowners. As such, landowners interested in participating in the Oak Woodlands Conservation Program must coordinate the preparation of the application package with an eligible participant.

The WCB encourages projects to be developed with partners attempting to address regional landscape issues and oak preservation needs. A partnership approach brings to the project a diversity of skills, expertise, ideas and sometimes-even money that may not otherwise be available to complete a desired project.

#### Submitting Applications

While applications are accepted on a year-round basis, the WCB generally meets four times a year. Typically, Board meetings are held in February, May, August and November. All applications that comply with the program requirements and meet program eligibility criteria will be scheduled for Board consideration if sufficient money exists to fund the request. Applicants will be notified as to when the project will be considered by the Board. The Board must approve any project to be funded.

All applications should be mailed to the following:

Executive Director, Wildlife Conservation Board  
1807 13<sup>th</sup> Street, Suite 103  
Sacramento, California 95811

Applicants are encouraged to call (916) 445-8448, with any questions prior to completing an application package. Additional information regarding the program or the Board may be obtained by visiting the Board's website located at [www.dfg.ca.gov/wcb](http://www.dfg.ca.gov/wcb)

#### What to Submit

To qualify for funding consideration, a complete application package must be submitted (see Appendix B). To facilitate the review of the proposal, applicants are encouraged to consult with the local Fish and Game biologist or other resource professionals while developing the project. Soliciting the comments from local biologist will also facilitate the review process, as a copy of the application package will be forwarded to the Regional Manager for review and comment.

Applicants are required to submit three copies of the application package to WCB. In addition, one copy of the required county or city resolution or Oak Woodlands Management Plan must be submitted with the application.

If a project proposal is submitted requesting funds for the purchase of a conservation easement or long-term lease agreement, the fair market value of the project must be determined by an appraisal of the property. All appraisals must be conducted by a state licensed, independent appraiser and must be prepared in conformance with the Uniform Standards of Professional Appraisal Practices (USPAP).

If the application is complete and the program requirements and criteria are met, the WCB staff will notify the applicant to have the property appraised. Once WCB receives two copies of the appraisal document, WCB staff will submit the appraisal to the State Department of General Services for an independent review and approval of the appraisal document. ALL APPRAISALS MUST BE REVIEWED AND APPROVED BY THE DEPARTMENT OF GENERAL SERVICES.

If the appraisal is approved by the State Department of General Services, applicants will be notified of the approved fair market value of the property and the necessary real estate documents will be prepared by Board staff in preparation for the full Board meeting. If the appraisal is denied, applicants will be notified and provided with an explanation as to why the appraisal was denied.

### **Important**

Applicants are cautioned, that appraisals must be approved prior to taking the project to the full Board for consideration. As such, project applications must be submitted at least four months in advance of a scheduled Board meeting to allow sufficient review time by Board staff and the State Department of General Services.

### **Notice To The Public of WCB Meeting**

For all projects eligible for consideration by the Board, landowners adjacent to the project site must be notified of the pending Board's review. Project applicants must submit a list of names and mailing address of all adjacent landowners.

## Summary of Grant Process

1. A project applicant submits three copies of a complete application package and one copy of the Oak Woodlands Management Plan Resolution to WCB.
2. One copy of the application package will be forwarded to the Regional Manager of the California Department of Fish and Game for review and comment.
3. WCB staff will review the proposal for compliance with program requirements and criteria and decide if a proposal should be recommended to the Board for funding consideration.
4. Prior to presenting a proposed project to the WCB for final approval, grant agreements and/or appropriate real estate documents will be prepared and forwarded to the applicant for signature.
5. The applicant must return all signed agreements prior to the scheduled Board meeting.
6. WCB staff will present recommended project proposals to the Board for funding consideration. Project applicants are encouraged to attend the Board meeting.
7. If the Board approves the project, the applicant will be provided with a *Notice to Proceed* with the Project.
8. For restoration and enhancement projects, WCB staff may conduct a preconstruction meeting with the project sponsor, landowner and any contractors.
9. WCB, in consultation with the landowners, may conduct periodic progress inspections.
10. All invoices must be submitted to WCB for approval of payment.
11. After completion of the project, WCB will conduct a final inspection.
12. Upon WCB completion of final inspection, an applicant must submit a request for final grant payment, along with a project completion report.
13. The State may conduct an audit of the completed project.
14. WCB, in consultation with the landowner, may monitor the project for the term of the agreement or lease.

Appendix A

Table 1

Oak Woodlands --- Regional Threats

Element of Threat	North Coast Section	Central Coast Section	South Coast Section	Modoc Section	Klamath South Section	Sierra Foothill Section	Sierra Nevada Section	Great Valley Section
Riparian Protection	✓		✓					✓
Water Control					✓		✓	✓
Vineyards	✓	✓				✓	✓	
Ag Develop		✓	✓		✓	✓		✓
Ranchettes	✓				✓	✓		✓
Fragmentation			✓			✓	✓	✓
Over Grazing	✓			✓		✓	✓	✓
Regeneration	✓	✓			✓	✓	✓	✓
Wood Cutting	✓			✓	✓	✓	✓	✓
High Fire Risk		✓					✓	
Drought		✓						
Development	✓		✓			✓	✓	✓
Water Diversion					✓			✓
SOD	✓	✓						

**Appendix B**

***Oak Woodlands Conservation  
Act of 2001  
Program Application Package***

- Part I      Grantee and Landowner Information**
- Part II     Required Attachments and Certifications**
- Part III    Program Guidelines and Selection Criteria**

## Part I

### Grantee and Landowner Information

Name of Applicant: \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Manager: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: ( )                      Fax Number ( )

Email Address:

Tax Payer ID Number: \_\_\_\_\_

### Landowner Information

Name of Landowner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: ( )                      Fax Number ( )

Email Address:

Type of Project: (check one)    ( ) Lease    ( ) Easement    ( ) Restoration

( ) Technical Assistance

Project Location (County, nearest City and major crossroads): \_\_\_\_\_

**Part II**  
**REQUIRED ATTACHMENTS**  
**and**  
**CERTIFICATIONS**

**Required Attachments**

Complete applications must contain the following attachments to facilitate the review of the grant request. Applications that do not contain the required attachments will be returned to the applicant.

1. Required resolution or Oak Woodlands Management Plan adopted by the city or county whose jurisdiction the project falls under. If project falls within the jurisdiction of more than one city or county, each city or county must adopt and submit a copy of the resolution or Oak Woodlands Management Plan.
2. Project location map (regional and site specific).
3. Identification and location of project site within the Oak Woodland Section.
4. Six color, 4 x 5 photographs of the project area.
5. Acquisition map showing exterior boundaries and parcel numbers (acquisition projects only).
6. Topographic map of property highlighting oak woodlands and associated habitat.
7. Name and mailing address of all adjacent landowners.
8. Restoration Plan (restoration projects only).
9. Applicable management plans.

**Required Certifications**

Complete applications must contain the following certifications as required by the Oak Woodlands Conservation Act. Applications that do not contain the required certifications will be returned to the applicant.

1. Pursuant to the requirements of Section 1363 (d) (1), the grantee or holder of the conservation easement hereby certifies to review, on an annual basis, the conservation easement conditions have been met for that year. The grantee or holder of the conservation easement further agrees to notify the WCB that said review was performed and provide a brief summary of the review.

Certification: \_\_\_\_\_ Date: \_\_\_\_\_

2. Pursuant to the requirement of Section 1366 (b), we, the project applicant and the landowner, hereby certify the conservation easement, restoration project or long term lease is not required to satisfy a condition imposed upon the landowner by any lease, permit, license, certificate, or other entitlement of use issued by one or more public agencies, including but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or to mitigate a negative declaration required pursuant to the California Environmental Quality Act.

Project Applicant Certification:

\_\_\_\_\_ Date: \_\_\_\_\_

Landowner Certification:

\_\_\_\_\_ Date: \_\_\_\_\_

3. Pursuant to the requirements of Section 1366 (f), the county or city hereby certifies that the project submitted for consideration by the Wildlife Conservation Board is consistent with the Oak Woodlands Management Plan of the county or city whose jurisdiction in which the project is located. If the project is in the jurisdiction of more than one county or city, each county or city shall certify that the proposal is consistent with the Oak Woodlands Management Plan of each county or city.

Certification: \_\_\_\_\_ Date: \_\_\_\_\_

Certification: \_\_\_\_\_ Date: \_\_\_\_\_

4. Pursuant to the requirements of Section 1369, a city or county planning department that receives a grant from the Oak Woodlands Conservation Program is required to report to the city council or board of supervisors on the use of those grant funds within one year from the date the grant was awarded. Accordingly, the planning department hereby certifies to report to their local governing body and provide the Wildlife Conservation Board with notice as to when the reporting requirement will be calendared before the city council or the board of supervisors.

Certification: \_\_\_\_\_ Date: \_\_\_\_\_

5. Pursuant to the requirements of Section 1368, the project applicant hereby certifies that eminent domain proceedings have not been utilized to acquire the conservation easement.

Certification: \_\_\_\_\_ Date: \_\_\_\_\_

**Part III**  
**Program Guidelines**  
**and**  
**Selection Criteria**

To qualify for funding consideration for an easement acquisition, restoration, enhancement or long-term agreement, proposals should address the following criteria; and contain an implementation and management plan, if applicable. Applicants are encouraged to contact their Forestry Assistance Specialists or Unit Forester for assistance with the completion of this application.

For all projects describe your long-term goals and objectives for the property and please explain how this proposal will contribute toward those goals and objectives.

**A. Criteria for Easement Acquisition, Restoration or Long-Term Agreement Projects**

✓ **The project is of sufficient size to promote biological integrity and provide superior wildlife values.**

1. How many acres of oak woodland does the project conserve?
2. Describe other habitat types (for example, wetlands, riparian, grasslands, mixed conifer) found on the property and how the project will conserve perennial or seasonal creek frontage, if present.
3. Does the property meet multiple natural resource conservation objectives, including but not limited to, wetlands, riparian habitat and/or scenic open-space preservation? Please explain.
4. Please describe the aquatic, plant and wildlife species that benefit from your proposal or will benefit because of the restoration effort.
5. Does the property contain sufficient surface or ground water to sustain the goals and objectives of the restoration project? Please explain.

✓ **The project area contains oak woodlands and/or a diversity of oak classes that will promote the sustainability and perpetuation of oak woodlands.**

1. What oak species are present on the property? Describe the approximate size classes of oaks present on the property, i.e., presence of oak seedlings, young oak trees and older, mature oak trees and the approximate percentage of area occupied by such trees relative to the entire project area
2. If applicable, describe how the project will contribute toward the regeneration of oak woodlands on your property.
3. Please provide a topographic map or aerial photo showing distribution/location of other habitat types present on the property, i.e., wetlands, chaparral, mixed conifer, grasslands, etc. For additional information on habitat types, applicants are encouraged to visit the California Wildlife Habitat Relationship System habitat guide at <http://dfg.ca.gov/whdab/html/cwhr.html>

✓ **The property is adjacent to other protected areas and will contribute toward ease of wildlife movement across ownerships.**

1. Is the project area located adjacent to other protected property (e.g. State Parks, Wildlife Management Area, conservation easement)? Please indicate on a map the location of the project area in relation to other protected areas.
2. Describe the degree of similarity in habitat types and conditions across adjacent ownerships.

✓ **The project contributes toward regional or community goals, provides scenic open-space, protects historic or archeological values or contains unique geologic features.**

1. Describe how the project contributes toward a regional or community land use goals.
2. Describe the relationship of the project to any publicly protected open-

space, viewshed or other habitat plan.

3. What historic or unique geological features are present on the property?

✓ **The property is a working landscape. The landowners have implemented or agree to implement, stewardship practices that recognize and incorporate the ecological requirements of oak woodlands and associated habitats, thus promoting the economic and resource sustainability of the farming and ranching operation.**

1. What stewardship practices has the landowner implemented (or agrees to implement) that makes the ranch operation unique and promotes the conservation and integrity of the oak woodlands located on the project area?

2. Please describe or attach pertinent sections of any ranch or other plan guiding the management of the property.

✓ **The project removes or reduces the threat of conversion to the oak woodland resource.**

1. Describe the project location relative to the nearest population center (name of town)?

2. What is the project's proximity to an urban sphere of influence?

3. Describe any the current and/or foreseeable potential land use threat to the property including but not limited to conversion to urban or the intensification of agriculture.

4. How is the property zoned?

✓ **The project has the potential to serve as a stewardship model for other landowners.**

1. Does the project provide an opportunity to work with contiguous properties and conserve oak woodlands? Please explain.
2. Does the project provide an opportunity to foster cooperation with local ranchers and other community organizations? Please explain.

✓ **In addition to the above criteria and questions, for all restoration and enhancement projects, please answer the following questions:**

1. Explain how the restoration project contributes toward sustaining oak communities that were historically present on your property. Include a description of the soil types.
2. What type of short and long-term management practices will be used to assure the success of the restoration project?

## B. Criteria for Education and Outreach Projects

To qualify for funding consideration for a public education and outreach proposal, the project must be designed to address the following criteria:

- ✓ The project shall be designed to identify and communicate the social, economic, agricultural and biological benefits of conserving oak woodlands.
- ✓ The project shall be designed and targeted to reach the maximum number of local landowners that could benefit from public education and outreach efforts.
- ✓ The project shall be designed and implemented as a collective effort or partnership that, where appropriate, includes local entities such as; landowners, the resource conservation district, the California Fish and Game biologist, UCCE Farm Advisor, representatives from farming or ranching organizations and the county or city planning department.
- ✓ The project shall be designed to promote and encourage oak woodland conservation through voluntary approaches.
- ✓ The project shall provide sources of available financial and/or technical information to assist landowners conserve their oak woodlands.
- ✓ The project will identify measurable goals and objectives to evaluate the success of the project. For projects not completed within one year of the approval date, the proposal shall include specific interim deliverables or benchmarks and a timeline for completion.
- ✓ If requested by the WCB, project sponsors must be willing to make project information available online so that other project proponents may benefit from the education and outreach effort. Such information should not include private or proprietary information about private landowners or their operations.

**(e) Tulare County General Plan Adopted Policies and Implementation related to Oak Woodland Management.**

# OAK WOODLAND MANAGEMENT

## TULARE COUNTY GENERAL PLAN 2030 UPDATE POLICIES

### LAND USE ELEMENT

#### **LU-2.3 Open Space Character**

The County shall require that all new development requiring a County discretionary approval, including parcel and subdivision maps, be planned and designed to maintain the scenic open space character of open space resources including, but not limited to, agricultural areas, rangeland, riparian areas, etc., within the view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons.

### ENVIRONMENTAL RESOURCE MANAGEMENT ELEMENT

#### **ERM-1.12 Management of Oak Woodland Communities**

The County shall support the conservation and management of oak woodland communities and their habitats.

#### **ERM-1.4 Protect Riparian Areas**

The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.

#### **ERM-1.8 Open Space Buffers**

The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and riparian habitat in their natural state.

### HEALTH AND SAFETY ELEMENT

#### **HS-5.4 Multi-Purpose Flood Control Measures**

The County shall encourage multipurpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of the County's streams, creeks, and lakes. Where appropriate, the County shall also encourage the use of flood and/or stormwater retention facilities for use as groundwater recharge facilities.

#### **HS-5.9 Floodplain Development Restrictions**

The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas.

**SCENIC LANDSCAPES ELEMENT**

**SL-2.3 Historic and Cultural Landscapes**

The County shall use the County's scenic routes and highways to connect cultural landscapes, historic landmarks and communities, and points of interest including:

1. Historic travel routes and trails,
2. Historic settlements,
3. Historic places, events, sites, buildings and structures,
4. Prehistoric and archeological features, and
5. Majestic trees, streetscapes, and parks.

**FOOTHILL GROWTH MANAGEMENT PLAN**

**FGMP-8.1 Riparian Area Development**

The County shall discourage the location of development and improvements that are in close proximity to watercourse areas and riparian habitat, and prevent actual encroachment into those habitats.

**FGMP-8.12 Vegetation Removal**

The County shall prohibit unnecessary removal of native trees on development sites prior to approval of development plans to control erosion, preserve wildlife habitat, and maintain the natural character of developing areas.

**FGMP-8.19 Preservation of Unique Features**

The County shall encourage maintenance and protection of unique open space areas such as riparian woodlands, oak woodlands, interesting rock formations, and scenic vistas.

**ENVIRONMENTAL RESOURCE MANAGEMENT ELEMENT Implementation**

**ERM-1.12 Management of Oak Woodland Communities**

The County shall support the conservation and management of oak woodland communities and their habitats.

**2012-15**

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5. The County shall work cooperatively with the California Department of Fish and Game to develop a joint study which will identify in Tulare County the following:	ERM-1.1	RMA,
	ERM-1.2	Planning
	ERM-1.4	
	ERM-1.6	
a. Significant habitat to be preserved in a natural state for the survival of rare and endangered species,	ERM-1.7	
	ERM-1.8	
	ERM-1.9	
b. Fish and game habitat desirable for meeting the quantity of demand for fishing and hunting, and	ERM-1.12	
c. Wildlife habitat needed for meeting the quantity of demand for recreational, educational and scientific observation, scenic enjoyment and appreciation of open space.		

**On-Going**

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14. The County shall ensure that the provisions of Public Resources Code § 21083.4 are followed when evaluating projects in areas containing oak woodlands.	ERM-1.12	RMA, Planning
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**2015-2020**

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15. The County shall work with stakeholders to determine the feasibility of adopting an oak woodlands management plan pursuant to the Oak Woodlands Conservation Act of 2001. The purpose will be to qualify for grant funding to support and encourage voluntary long term private stewardship and conservation of California's oak woodlands.	ERM-1.12	RMA, Planning
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**2012-2015**

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16. The County shall establish a program to require the replacement planting of native oaks where oak woodlands are proposed for alteration by development projects.	ERM-1.12	RMA, Planning
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**(f) Board of Supervisors Agenda Item Report on Tulare County Oak  
Woodland**

**Conservation Program July 7, 2009.**



**RESOURCE MANAGEMENT  
AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

- ALLEN ISHIDA  
District One
- PETE VANDER POFF  
District Two
- PHILLIP A. COX  
District Three
- J. STEVEN WORTHLEY  
District Four
- MIKE ENNIS  
District Five

**AGENDA DATE:** July 7, 2009

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 733-6291

**SUBJECT:** Report on Tulare County Oak Woodland Conservation Program

**REQUEST(S):**

That the Board of Supervisors:

Accept a Report on Tulare County Oak Woodland Conservation Program.

**SUMMARY:**

The attached staff report will provide an overview on Tulare County's Oak Woodland Conservation Program. The accompanying report includes the following sections:  
 1) existing Tulare County measures for oak woodland protection; 2) proposed Tulare County measures for oak woodland protection; 3) a summary of the adopted state oak woodland legislation; 4) background information on the status of oak woodlands in California and Tulare County; and 5) a review of oak woodland protection measures other Counties have implemented.

**FISCAL IMPACT/FINANCING:**

There is no net County cost to the General Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Strategic Initiative 3: Quality of Life. Oak woodlands conservation promotes natural resource management and continued improvement of environmental quality.

**SUBJECT:** Report on Tulare County Oak Woodland Conservation Program  
**DATE:** July 7, 2009

**ALTERNATIVES:**

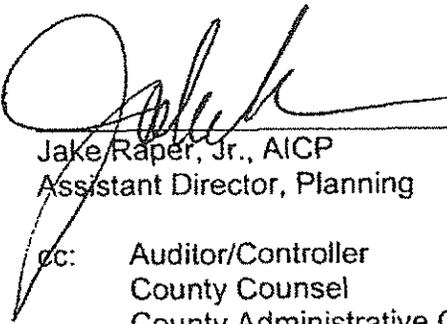
Option No. 1: Receive Staff Presentation.

Option No. 2: Receive Staff Presentation and provide direction to Staff as warranted.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

None

**ADMINISTRATIVE SIGN-OFF:**



Jake Raper, Jr., AICP  
Assistant Director, Planning

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

Attachment(s)

1. Report on Tulare County Oak Woodland Conservation Program
  - Exhibit 1: Oak Woodlands Conservation Act of 2001
  - Exhibit 2: Letters of Support for a Tulare County Oak Woodlands Management Plan
  - Exhibit 3: Oak Woodlands Conservation Legislation of 2004 (Kuehl SB 1334)
  - Exhibit 4: Oaks 2040: The Status and Future of Oaks in California (Excerpts)
  - Exhibit 5: Oaks 2040 Maps and Charts (Excerpts)
  - Exhibit 6: Donald Bren SESM UCSB, "A Dynamic Strategy for Conserving Southern Sierra Blue Oak Woodland" (2007)
  - Exhibit 7: IHRMP Study: What 41 Counties are Doing to Protect Oak Woodlands
  - Exhibit 8: References

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF REPORT ON )  
TULARE COUNTY OAK WOODLAND ) RESOLUTION NO. \_\_\_\_\_  
CONSERVATION PROGRAM )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD July 7, 2009  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

That the Board of Supervisors:

Accepted a Report on Tulare County Oak Woodland Conservation Program.

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY  
STAFF REPORT FOR BOARD OF SUPERVISORS  
JULY 7, 2009**

**REPORT ON TULARE COUNTY OAK WOODLAND CONSERVATION ISSUES**

This report provides an overview on Tulare County's Oak Woodland Conservation Program. The report begins with a summary of existing Tulare County measures for Oak Woodland protection (section 1), followed by proposed protection measures from the Tulare County Draft Goals and Policies Report, January 2008 (section 2). Next is a presentation on adopted state legislation regarding oak woodland conservation (section 3). Background information on oak woodlands in California and in Tulare County is presented in section 4. Section 5, the final section, provides information on the oak woodlands conservation measures that have been adopted by other Counties.

**1. Existing Tulare County Measures for Oak Woodland Protection**

Tulare County currently does not have an oak woodlands management plan, nor does it have a specific tree ordinance (there is no current state requirement for a tree ordinance or management plan).

Adopted goals and policies are referenced in the Tulare County General Plan (Foothill Growth Management Plan (1981)) as well as references to tree preservation in some community plans, that directly or indirectly support oak woodland conservation. These are summarized as follows:

The Foothill Growth Management Plan (1981), an Element of the Tulare County General Plan, includes several goals that will generally or specifically protect oak woodlands. These include the following:

**Goal FGMP-8: Environmental Protection**

"To protect the natural features of the foothills by directing development to selected areas",

Policy FGMP 8.19 Preservation of Unique Features: "The County shall encourage maintenance and protection of unique open space areas such as riparian woodlands, oak groves, interesting rock formations, and scenic vistas..." (FGMP 1981 p.15).

**Policy FGMP 8.12: Vegetation Removal:**

"The County shall prohibit unnecessary removal of native trees on development sites prior to approval of development plans to control

erosion, preserve wildlife habitat, and maintain the natural character of developing areas (FGMP (1981) p.18).

Goal FGMP-4 under Recreation/Open Space:

"To provide recreational and open space opportunities both for local residents and for the visiting public"

Policy FGMP 4.1: Identification of Environmentally Sensitive Areas:

"The County shall identify and protect those environmentally sensitive areas in the foothill development corridors which should be maintained as open space, such as areas characterized by...habitat of special status species..."

Community Plan Goals and Policies supporting Oak Woodland Conservation

Some communities may have general goals and policies that indirectly support oak woodland protection. As an example, the Three Rivers Community Plan includes as General Development Considerations 3.:

Existing specimens and stands of trees and other plant materials of outstanding value should be preserved wherever possible..."(p.29).

In Vegetation and Wildlife, suggestions that the community "discourage removal of significant vegetation (trees 6" in diameter and more) when property is developed" also supports oak woodland conservation.

## **2. Proposed Tulare County Policies to Protect Oak Woodlands: Elements of the Tulare County General Plan Update (January 2008 Draft),**

The Tulare County General Plan update (January 2008 Draft) will addresses oak preservation more directly through several goals, policies, and implementation measures:

Goal ERM-1 for Biological Resources:

"To preserve and protect sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County (a new goal).

Policy ERM-1.12 (new): Management of Oak Woodland Communities states "The County shall support the conservation and management of oak woodland communities and their habitats."

Implementation Measures 14-16 for Policy ERM 1.12 address oak conservation specifically:

14. The County shall ensure that the provisions of Public Resources Code Section 21083.4 are followed when evaluating projects in areas containing oak woodlands.

15. The County shall work with stakeholders to determine the feasibility of adopting an oak woodlands management plan pursuant to the Oak Woodlands Conservation Act of 2001. The purpose will be to qualify for grant funding to support and encourage voluntary long term private stewardship and conservation of California's oak woodlands.

16. The County shall establish a program to require the replacement planting of native oaks where oak woodlands are proposed for alteration by development projects.

### **3. California Oak Woodlands Legislation: Oak Woodlands Conservation**

Two key pieces of state legislation, adopted in 2001 and 2004, address aspects of oak woodland conservation that will effect strategies for Tulare County. These are 1) The Oak Woodlands Conservation Act of 2001, and 2) Oak Woodlands Conservation legislation adopted in 2004 (Kuehl SB 1334), summarized here as follows:

#### **The Oak Woodlands Conservation Act of 2001** (California Fish and Game Code sections 1360-1372)

The goal of the Oak Woodlands Conservation Act of 2001 is to help maintain and preserve California Oak Woodlands. The Act recognizes the importance of California's oak woodlands, most of which are in private hands. The Oak Woodland Conservation Program is designed to support oak woodland conservation projects, particularly on farms and ranches, by providing a funding source through the Oak Woodlands Conservation Program. This is a voluntary program—eligible applicants including landowners, non-profit groups, and county agencies in qualifying Counties may apply for grant funding from the California Oak Woodlands Conservation Fund, which is administered by the State of California Wildlife Conservation Board (WCB). Eligible applicants can apply for WCB grant funds to be used for:

- purchase of oak woodlands conservation easements
- grants for land improvement;
- cost-sharing incentive payments to private landowners who enter into long-term conservation agreements promoting oak woodland management;
- public education and outreach initiatives;
- assistance to local government entities...for the development and implementation of oak conservation elements in local general plans; and

- technical assistance consistent with the purpose of oak woodlands

This program provides potential funding for a variety of oak-conservation related programs (County, private landowners, non-profit organization, unincorporated communities, etc.). Eligibility for WGB grant funding is limited to counties that have adopted Oak Woodlands Management Plans (State of California, Wildlife Conservation Board).

Exhibit 1 is the Oak Woodland Conservation Act of 2001; Exhibit 2 includes letters of support from leaders of two nonprofit organizations and one citizen supporting the adoption of a Tulare County Oak Woodlands Management Plan.

**Oak Woodlands Conservation Legislation of 2004 (Kuehl SB 1334)**  
(Public Resources Code Section 21083.4)

This legislation added PRC 21083.4 (CEQA) and took effect on January 1, 2005. The legislation requires that: "a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment." If so,

"...the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

- (1) Conserve oak woodlands, through the use of conservation easements.
- (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.  
  
(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.  
  
(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.  
  
(D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.
- (3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph

shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

(4) Other mitigation measures developed by the county.”

Certain exceptions to the requirements are allowed. This legislation authorizes use of grants from the Woodland Conservation Fund to prepare or amend an oak conservation element of a general plan; an oak protection ordinance; or oak woodlands management plan that meets the requirements of Section 1363 of the California Fish & Game Code.

Exhibit 3 is the Oak Woodlands Conservation Legislation of 2004 (Kuehl SB 1334)

#### **4. Background: The Status and Future of Oaks in California**

In November of 2006, the California Oak Foundation produced a research report--*Oaks 2040: The Status and Future of Oaks in California*-- designed to provide planners with information on oaks statewide and in their region. The Oaks 2040 report describes the location and extent of oak woodlands throughout California, and identifies oak woodlands most at risk. The report also includes data on oak forests, not included here. Following is a summary of the information presented in the Oaks 2040 report and some additional sources on the status of oak woodlands in California, the San Joaquin region, and in Tulare County (Oaks 2040 Report).

Exhibit 4 provides excerpts of the Oaks 2040 report, and Exhibit 5 includes a map series from the same report, showing oak distribution and threats to oaks relevant to Tulare County.

#### **California's Oak Woodlands**

California's oak woodlands provide habitat for numerous wildlife species, moderate temperature extremes, reduce soil erosion, facilitate nutrient cycling, and sustain water quality. They also provide recreational opportunities, scenic values, and serve as carbon resources that can help counteract impacts from global warming. California's blue oak woodlands (the dominant species statewide) may represent one of the most extensive old growth forest types remaining in the state. Studies of the annual growth rings of these ancient blue oak trees--including some oaks in Tulare County--have provided a record of drought and wetness cycles over California for the past 500 years (Oaks 2040 Report) Univ. of Arkansas Tree-Ring Lab.

According to the Oaks 2040 report, California has approximately 8.5 million acres of oak woodland and another 4.5 acres of oak forest. These categories are based on the *Calveg* classification system used by the California Department of

Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) maps, which classifies wildland oak habitat as either oak woodland (hardwood), in which oaks are the dominant tree type, or oak forests (oak/conifer mix), in which oaks comprise a smaller percentage of the tree types in the mix. Oak forests generally occur at higher elevations than oak woodlands (Oaks 2040 Report).

The Sacramento and San Joaquin regions are home to more than half of California's oak woodland. Statewide, blue oaks are the dominant species (over 1/3 of total, statewide). More than 1 million acres of California's oak woodlands have already been developed. Statewide, about 80% of the remaining oak woodlands are privately owned, and only about 4% are protected from conversion. Approximately 750,000 acres of California's remaining oak woodlands are at risk of development before 2040. Of the oak woodlands at risk, 80% are located in the Sacramento and San Joaquin regions, with the oak woodlands of the Central Valley and Sierra Foothills facing the most immediate threats (Oaks 2040 Report).

Statewide, the single largest threat to oak woodlands is from development. Other threats include conversion of oak woodlands to intensive agricultural (e.g. orchards and vineyards), and a lack of oak regeneration in many areas (including Tulare County). Because most remaining oak woodlands are on privately owned property, protection strategies must be designed to accommodate the needs of the private landowner while fostering protection. (Oaks 2040 Report, Guisti, "Conservation of Oak Woodlands—Recognizing the Values").

### **The San Joaquin Region**

The Oaks 2040 Report divided California into six regions. The San Joaquin region encompasses 15 counties, including Tulare County. 27% of the state's oak woodland (over 450 million oak trees on 2.3 million acres) falls in this region. Oak woodlands are predominantly in private ownership (73% of the total). Other major landowners include The US Forest Service, Bureau of Land Management, and the National Park Service. The San Joaquin Region includes one third of the state's oak woodland at risk, with the South Yosemite area at highest risk. Only the Sacramento region contains more oak woodlands at risk (Oaks 2040 Report).

### **Tulare County Oak Woodlands**

Tulare County has over 300,000 acres of oak woodland, one third of which are federally owned. Figure 1 (below) shows the distribution of Tulare County oak woodland species. Tulare County has more than half of the region's valley oak woodlands, as well as considerable blue oak woodland, the dominant oak woodland component of Tulare County foothills.

**Figure 1: Tulare County Oak Woodland Species\***

<b>Species</b>	<b>Acres</b>	<b>%Total</b>
<b>Black oak</b>	43,406	12.5%
<b>Blue oak</b>	157,740	45.6%
<b>canyon live oak</b>	43,210	12.5%
<b>interior live oak</b>	67,799	19.6%
<b>mixed oak</b>	33,504	9.7%
<b>valley oak</b>	256	0.1%
<b>Total acres 345,915</b>		

*\*Data from Oaks 2040 Report*

The Oaks 2040 Report has identified approximately 30,000 acres of Tulare County oak woodlands at high risk for development by 2040. Specific development pressures identified in the report include expansion of valley towns into the foothills, along with pressures from recreation and tourism.

In May 2007, the Donald Bren School of Environmental Science & Management, UC Santa Barbara, completed a study of Tulare County Blue Oak populations: "A Dynamic Strategy for Conserving Southern Sierra Blue Oak Woodland," making recommendations to the Nature Conservancy on strategies for conserving blue oak woodland in Tulare County. Areas of high ecological importance are identified, and a spatial and temporal analysis of climate change and development threats are discussed. The study also notes that Blue Oak Woodland as one of the most diverse communities in North America, supporting more than 1400 species of flowering plants, 29 species of amphibians and reptiles, 57 species of birds, and 10 species of mammals (Donald Bren SESM, UCSB 2007).

Specific challenges to blue oak woodland identified by the UC Santa Barbara study include potential oak woodland fragmentation, which can affect tree regeneration rates, lower biodiversity and result in extinction of sensitive species. Climate change will be another challenge for blue oak woodlands. Projected temperature increases statewide over the next 100 years will likely drive the oak range northwards and to higher elevations. If so, the blue oak woodlands range may be reduced to less than 60% of its current range statewide. (Donald Bren SESM, UCSB 2007).

Exhibit 6 is an article describing the 2007 Bren SESM UCSB 2007 study "A Dynamic Strategy for Conserving Southern Sierra Blue Oak Woodland".

## 5. Oak Woodland Policies: What other Counties Are Doing

In November of 2003, oak woodland policies of 41 California Counties were compiled in a study by Susan Kocher, UC Berkeley Center for Forestry and Integrated Hardwood Range Management Program (IHRMP) and the Oak Conservation Work Group. The goal was to compile and inventory all county-based policies to protect oak woodlands adopted by the 41 California Counties that had oak woodlands. Results of the study showed that a quarter of the oak woodland counties had no legally enforceable policies. Voluntary guidelines applying mainly to agricultural areas were found in 6 additional counties, and legally enforceable policies applicable in some locations only were found for another 12 counties (including Tulare County). Nineteen counties had both general plan language and implementing ordinances. Implementing ordinances included tree protection and woodland management ordinances, as well as zoning and grading ordinances, and mitigation measures. Nine of these counties had protections that apply in all zones: El Dorado, Marin, Napa, Nevada, Placer, Sacramento, San Bernardino, San Joaquin, and Ventura Counties. The results of the IHRMP study are included as Exhibit 5

Examples of Oak Woodlands Conservation Documents Meeting Legislative requirements:

- In July, 2004, El Dorado County became the first California County to adopt oak woodland mitigation measures as part of its General Plan, making it the first California County to provide oak woodland mitigation measures compatible with the 2004 CEQA legislation requirements.
- The Tehama County Oak Woodlands Management Plan meets the requirements of the Oak Woodland Conservation Act of 2001 and illustrates that the Plans can be quite simple.
- Many communities have adopted tree ordinances that protect oaks and/or other tree types. The City of Visalia Oak Tree Preservation Ordinance (revised August 4, 2003) is one example.

### Exhibits:

1. Oak Woodland Conservation Act of 2001
2. Letters of Support for a Tulare County Oak Woodlands Management Plan
3. Oak Woodland Legislation of 2004 (Kuehl SB 1334)
4. Oaks 2040 Report (Excerpts)
5. Oaks 2040 Maps and Charts (Excerpts)
6. Donald Bren SESM, UCSB, "A Dynamic Strategy for Conserving Southern Sierra Blue Oak Woodland" (2007).
7. IHRMP Study: What 41 Counties are Doing to Preserve Oak Woodlands
8. References

**Exhibit 1: Oak Woodlands Conservation Act of 2001  
(California Fish & Game Code Sections 1360-1372)**

Oak Woodland Legislation 2001: Oak Woodlands Conservation Act

CALIFORNIA FISH AND GAME CODE SECTIONS 1360-1372

1360. This article shall be known, and may be cited, as the Oak Woodlands Conservation Act.

1361. For purposes of this article, the following terms have the following meanings:

(a) "Board" means the Wildlife Conservation Board established pursuant to Section 1320.

(b) "Conservation easement" means a conservation easement, as defined in Section 815.1 of the Civil Code.

(c) "Fund" means the Oak Woodlands Conservation Fund.

(d) "Land improvement" means restoration or enhancement of biologically functional oak woodlands habitat.

(e) "Local government entity" means any city, county, city and county, district, or other local government entity, if the entity is otherwise authorized to acquire and hold title to real property.

(f) "Nonprofit organization" means a tax-exempt nonprofit organization that meets the requirements of subdivision (a) of Section 815.3 of the Civil Code.

(g) "Oak" means any species in the genus *Quercus*.

(h) "Oak woodlands" means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover.

(i) "Oak woodlands management plan" means a plan that provides protection for oak woodlands over time and compensates private landowners for conserving oak woodlands.

(j) "Special oak woodlands habitat elements" means multi- and single-layered canopy, riparian zones, cavity trees, snags, and downed woody debris.

1362. It is the intent of the Legislature that this article accomplish all of the following:

(a) Support and encourage voluntary, long-term private stewardship and conservation of California's oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands over time.

(b) Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protects and promotes healthy oak woodlands.

(c) Provide incentives for the protection of oak trees providing superior wildlife values on private lands.

(d) Encourage local land use planning that is consistent with the preservation of oak woodlands, particularly special oak woodlands habitat elements.

(e) Provide guidelines for spending the funds allocated for oak woodlands pursuant to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)).

(f) Establish a fund for oak woodlands conservation, to which future appropriations for oak woodlands protection may be made, and specify grant making guidelines.

1363. (a) The Oak Woodlands Conservation Fund is hereby created in the State Treasury. The fund shall be administered by the board. Moneys in the fund may be expended, upon appropriation by the Legislature, for the purposes of this article.

(b) Money may be deposited into the fund from gifts, donations, funds appropriated by the Legislature for the purposes of this article, or from federal grants or loans or other sources, and shall be used for the purpose of implementing this article, including administrative costs. Funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)), but not including funds dedicated as matching funds for the federal Forest Legacy Program, shall be deposited in the fund.

(c) To the extent consistent with the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)), the board may use money designated for the preservation and restoration of oak woodlands in the Oak Woodlands Conservation Fund for projects in conjunction with the California Forest Legacy Program (Div. 10.5 (commencing with Sec. 12200) of the P.R.C.), but only for the purposes specified in this article and only if the following requirements are met:

(1) The Department of Forestry and Fire Protection shall make an initial recommendation to the board.

(2) The board may deny any initial recommendation to the Department of Forestry and Fire Protection. Subsequently, if the department alters an initial proposal, in a manner that the board determines to be significant, the board may withdraw its initial approval of the recommendation at any time during the process.

(d) The purposes for which moneys in the fund may be used include all of the following:

(1) Grants for the purchase of oak woodlands conservation easements. Any entity authorized to hold a conservation easement under Section 815.3 of the Civil Code may hold a conservation easement pursuant to this article. The holder of the conservation easement shall ensure, on an annual basis, that the conservation easement conditions have been met for that year.

(2) Grants for land improvement.

(3) Cost-sharing incentive payments to private landowners who enter into long-term conservation agreements. An agreement shall include management practices that benefit oak woodlands and promote the economic sustainability of farming and ranching operations.

(4) Public education and outreach by local government entities, park and open-space districts, resource conservation districts, and nonprofit organizations. The public education and outreach shall identify and communicate the social, economic, agricultural, and biological benefits of strategies to conserve oak woodlands habitat values, including watershed protection benefits that reduce soil erosion, increase streamflows, and increase water retention and sustainable agricultural operations.

(5) Assistance to local government entities, park and open-space districts, resource conservation districts, and nonprofit organizations for the development and implementation of oak

conservation elements in local general plans.

(6) Technical assistance consistent with the purpose of preserving oak woodlands.

(e) Not more than 20 percent of all grants made by the board pursuant to this article may be used for the purposes described in paragraphs (4), (5), and (6) of subdivision (d). Not less than 80 percent of funds available for grants pursuant to this article shall be expended for the purposes described in paragraphs (1), (2), and (3) of subdivision (d).

(f) Notwithstanding any other provision of law, this article governs the expenditure of funds for the preservation of oak woodlands pursuant to paragraph (4) of subdivision (a) of Section 5096.350 of the Public Resources Code.

1363.5. (a) Commencing on June 30, 2003, and every two years thereafter, the board shall report to the Legislature and the Governor concerning the activities and expenditures of the fund.

(b) (1) In the first report to the Legislature, the board shall provide its best estimate of the total amount, in terms of acreage, species, and coverage, of oak woodlands habitat purchased with funds from the Habitat Conservation Fund and other funds pursuant to the California Wildlife Protection Act of 1990 (Chapter 9 (commencing with Section 2780) of Division 3).

(2) In each subsequent report, the board shall update the information required by paragraph (1) to reflect additional oak woodlands habitat purchased with funds from the Habitat Conservation Fund pursuant to Chapter 9 (commencing with Section 2780) of Division 3, and any purchases made with moneys deposited in the Oak Woodlands Conservation Fund.

(c) The board shall provide its best estimate in each report of the acreage, cover, and species of oak woodlands habitat purchased with all moneys from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.

(d) The board shall make all information available online at its Web site.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

1364. Moneys in the fund shall be available to local government entities, park and open-space districts, resource conservation districts, private landowners, and nonprofit organizations for the purposes set forth in subdivision (d) of Section 1363.

1365. The board shall develop and adopt guidelines and criteria for awarding grants that achieve the greatest lasting conservation of oak woodlands. The board shall develop these guidelines in consultation with the Department of Forestry and Fire Protection, the Department of Food and Agriculture, the University of California's Integrated Hardwood Range Management Program, conservation groups, and farming and ranching associations. As it applies to the award of grants for the implementation of this article, the board criteria shall specify that easement acquisitions that are the most cost-effective in comparison to the actual resource value of the easement shall be given priority.

1366. (a) To qualify for a grant pursuant to this article, the county or city in which the grant money would be spent shall prepare, or demonstrate that it has already prepared, an oak woodlands management plan that includes a description of all native oak species located within the county's or city's jurisdiction.

(b) To qualify for a grant pursuant to this article, the board shall certify that any proposed easement was not, and is not, required to satisfy a condition imposed upon the landowner by any lease, permit, license, certificate, or other entitlement for use issued by one or more public agencies, including, but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or to mitigate a negative declaration required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) of the Public Resources Code.

(c) To qualify for a grant under this article, the applicant shall demonstrate that its proposal provides protection of oak woodlands that is more protective than the applicable provisions of law in existence on the date of the proposal.

(d) A county or city may develop an oak woodlands management plan. A nonprofit corporation, park and open-space district, resource conservation district, or other local government entity may apply to the board for funds to develop an oak woodlands management plan for a county or city, but the county or city shall maintain ultimate authority to approve the oak woodlands management plan.

(e) The process for developing an initial oak woodlands management plan, and the adoption of significant amendments to a plan, as determined by the county or city, are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(f) A proposal by a local government entity, nonprofit corporation, park and open-space district, private landowner, or resource conservation district for a grant to be expended for the purposes of this article shall be certified by the county or city as being consistent with the oak woodlands management plan of the county or city. If the land covered by the proposal is in the jurisdiction of more than one county or city, each county or city shall certify that the proposal is consistent with the oak woodlands management plan of each county or city.

(g) If two or more entities seek grant funding from the board pursuant to this article for the same jurisdiction, the county or city shall designate which entity shall lead the efforts to manage oak woodlands habitat in the area.

1367. On or before April 1, 2002, the board and the Department of Forestry and Fire Protection shall develop a memorandum of understanding regarding the protection of oak woodlands that does all of the following:

(a) If necessary, creates a specific process for working together to use money from the fund in conjunction with the California Forest Legacy Program Act of 2000 (Division 10.5 (commencing with Section 12200) of the Public Resources Code).

(b) Lists elements a county or city shall include in its oak woodlands management plan. Items included in the plan shall assist a county or a city to specify conservation priorities and prevent oak

woodlands habitat fragmentation while minimizing the cost and administrative burden associated with developing the plan. The elements may include any or all of the following:

- (1) Tree inventory mapping.
- (2) Oak canopy retention standards.
- (3) Oak habitat mitigation measures.
- (4) A procedure to monitor the effectiveness of the plan and to modify the plan as necessary.

(c) Designates an online repository for oak woodlands management plans that will be easily accessible to the public and any other state agency involved in oak woodlands conservation efforts.

(d) Discusses the relationship between oak woodlands conservation efforts under this article and efforts by other state agencies to protect oak woodlands, including efforts to combat sudden oak death, and outlines a plan, as necessary, for coordinating with these agencies.

1368. The board may not approve a grant to a local government entity, park and open-space district, resource conservation district, or nonprofit organization if the entity requesting the grant has acquired, or proposes to acquire, an oak woodlands conservation easement through the use of eminent domain, unless the owner of the affected lands requests the owner to do so.

1369. A city or county planning department may utilize a grant awarded for the purposes of this article to consult with a citizen advisory committee and appropriate natural resource specialists in order to report publicly to the city council or the board of supervisors on the status of the city's or county's oak woodlands. Each city or county planning department that receives a grant for the purposes of this article shall report to the city council or to the board of supervisors of the county, as appropriate, on the use of those grant funds within one year from the date the grant is received.

1370. No money may be expended from the fund to adopt guidelines or to administer the fund until at least one million dollars (\$1,000,000) is deposited in the fund.

1372. Nothing in this article grants any new authority to the board or any other agency, office, or department to affect local policy or land use decisionmaking.

**Exhibit 2: Letters of Support for a Tulare County  
Oak Woodlands Management Plan**

- a. Sopac McCarthy Mulholland, Executive Director, Sequoia Riverlands Trust (July 6, 2005 letter to Tulare County Board of Supervisors and Planning Staff)
- b. Mehmet McMillan, Director, WildPlaces (March 6, 2009 letter to Tulare County Planning Commission and Tulare County Board of Supervisors)
- c. Carol Clum, Three Rivers Resident (January 28, 2009 letter to John Elliot, Chairman, Tulare County Planning Commission)

TO: Tulare County Board of Supervisors & Planning Staff  
FROM: Sopac McCarthy Mulholland, Executive Director  
SUBJECT: Conserving Oak Woodlands in Tulare County  
DATE: July 6, 2005

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Sequoia Riverlands Trust (SRT) is encouraging the Board of Supervisors to take a proactive step that would provide landowners in Tulare County with access to voluntary, financial incentives to conserve some of our region's most cherished natural features: oak trees and oak woodlands. SRT believes that a significant opportunity exists for private landowners, cities and the county to obtain state funding to manage and conserve these resources, including grants for cost-sharing incentive payments, restoration or enhancement projects, long-term leases, education and outreach programs, and technical assistance in developing relevant general plan language. To make this possible, an oak woodlands management plan needs to be prepared and adopted by Tulare County. This plan can be as straightforward as the "Voluntary Oak Woodland Management Plan" recently adopted by the Tehama County Board of Supervisors. To facilitate the process, SRT is prepared to assist planning staff in drafting an oak woodlands management plan for Tulare County.

### **The Oak Woodlands Conservation Program**

The California Oak Woodlands Conservation Program was created to help maintain the state's legacy of oak woodlands and to accommodate the needs of private landowners. This program was enacted by the Oak Woodlands Conservation Act, which recognizes the importance of California's oak woodlands, the critical role of the private landowner, and the importance of private land stewardship. The Act further acknowledges how oak woodlands increase the monetary and ecological value of real property and promote ecological balance. The Oak Woodlands Conservation Program was created to offer landowners, conservation organizations, cities and counties, an opportunity to obtain funding for projects designed to conserve and restore California's oak woodlands, particularly on farms and ranches. The Program does not prohibit landowners from harvesting oak trees, or otherwise remove any property rights from landowners in enjoying the use of their properties. While the Program is statewide in nature, it provides opportunities to address oak woodland issues on a regional basis. The Program is designed to help local efforts and to encourage sustainable ranch and farming operations and healthy oak woodlands.

### **Developing an Oak Woodland Management Plan in Tulare County**

In order to qualify for funding under the Oak Woodland Conservation Program, a city or county must first develop an oak woodlands management plan. These Plans impose no restrictions on private landowners and facilitate access to funding programs only available to residents of cities or counties with a Plan in place. Developing an oak woodland management plan in Tulare County would give our citizens an opportunity to access these funding programs. Further, it would provide a mechanism to support our family farms, to maintain our valued resources, and

to limit the threat of increased regulatory oversight. An oak woodland management plan can be adopted in the form of a Resolution or included as part of the General Plan. To qualify for state funding, an oak woodland management plan must include:

1. Description of the status of oak woodlands in the County, including descriptions of the native oak species and a map of the current distribution of oak woodlands;
2. Elements designed to encourage the long-term conservation of oak woodlands, but not so restrictive as to discourage landowners and local jurisdictions from participating in the program;
3. Discussion of the importance of oak woodlands for wildlife habitat, retention of soil and water, and how their loss will result in negative impacts;
4. Description of education and outreach efforts to implement the Plan.

### **Importance of Oak Woodlands in Tulare County**

In the public opinion surveys conducted as part of Tulare County's General Plan Update, there was unanimous agreement that one of the County's most important assets are the open, oak-covered foothills. Even for residents of the valley floor, it is clear that oaks represent a strong, symbolic tie to the natural and cultural history of California. Tulare County contains a wide variety of oak woodland habitats and one of the largest, healthiest extents of oak woodlands anywhere in the Sierra foothills. The unincorporated areas within the foothills contain the majority of the County's oak woodlands, and most of these lands are in private ownership. Throughout California, oak woodlands are crucial not only as habitat for plants and wildlife, but also for maintaining water quality, soil fertility, economic vitality, and the esthetic qualities so critical for drawing tourism and recreation to rural areas. Research has shown that the presence of native oak trees in rural subdivisions may contribute as much as 27% to the value of the property. One study in particular showed an increase of over \$20 million in the total land and home value of 4,800 parcels immediately surrounding a protected oak woodland reserve, resulting in additional tax revenues to the County of \$160,000 annually. It is well documented that natural resources in a broad geographic area contribute to the economic value of real property, as is apparent in numerous examples of high-end residential communities in California.

### **Proposed Action**

Sequoia Riverlands Trust is a community-based, not-for-profit organization in Tulare County. In addition to owning land in the foothills, we also have relationships with many large, private landowners who have expressed interest in the funding benefits made possible by this program. We propose to facilitate the development of an oak woodland management plan for Tulare County, to assist out County planning staff with drafting the necessary language and generating the accompanying maps. We believe the resulting plan could be incorporated into Tulare County's General Plan Update or passed by Resolution, to the significant benefit of the citizens of our County. We stand ready to help and look forward to further discussion.



ECOLOGICAL RESTORATION AND EDUCATION



3/6/09

Tulare County Planning Commission  
5961 South Mooney Blvd.  
Visalia, CA 93277

Tulare County Board of Supervisors  
2800 W. Burrel Ave.  
Visalia, CA 93291

To whom it concerns:

Recognizing the importance of native oaks and oak woodlands, the state of California and many counties and municipalities have worked to protect them. Many counties have adopted an OAK WOODLANDS MANAGEMENT PLAN, under the California Oak Woodlands Conservation Program, which offers opportunities to obtain funding for projects designed to conserve and restore our oak woodlands on a regional priority basis.

It supports and encourages voluntary, long-term private stewardship and conservation of California oak woodlands by offering landowners financial incentives to protect and promote biologically functional woodlands. To qualify for funding, the county where applicants are applying for funding must adopt an OAK WOODLANDS MANAGEMENT PLAN

It's time for Tulare County to adopt a Plan and make these benefits available to its residents and landowners.

Best regards

Mehmet McMillan,  
Director

Three Rivers, CA 93271

January 28, 2009

John Elliot, Chairman

Tulare County Planning Commission

5963 South Mooney Boulevard

Visalia, CA 93277

Dear Chairman Elliot,

We request that Tulare County develop and adopt such a strong oak ordinance to protect our interior live oaks, black oaks, blue oaks, canyon oaks and valley oaks. We want strong mandatory mitigation for oaks cut down, an equal size tree protected for each one destroyed. A two inch diameter sapling is not adequate replacement for a mature oak. The oak woodlands protected by a conservation easement must be nearby in our county. An alternate mitigation would be a fine for the true value of the tree. Mature oaks sequester greenhouse gases, clean our air, provide food and shelter to 330 wildlife species, cool buildings, plants, and soil in their shade, reduce soil erosion, filter rainwater through their roots, cleaning polluted run off, thereby sustaining healthy watersheds. They are an important part of our scenic views, of our county's heritage, and, for example, an important element in our Three Rivers Community Plan and Scenic Corridor.

Preserving all trees and planting new trees is important for implementing Assembly Bill 32 (Global Warming Solutions Act) of 2006. Gov. Schwarzenegger has asked California counties and cities to plant more trees. Tulare County does not protect

the trees it has. It should promote the planting of our native oaks.

In 2001 the California Legislature passed the California Oak Woodland Conservation Act. As a result of the Act, a program administered by the Wildlife Conservation Board (WCB) is designed to provide \$10 million to help local jurisdictions protect and enhance their oak woodland resources. It authorizes the WCB to purchase oak woodland conservation easements and provide grants for land improvements and oak restoration efforts. Funding may be granted for education and outreach. In order to qualify for funding the county must have an Oak Woodland Management Plan.

We recommend the county draft an oak ordinance.

Respectfully,

Carole A. Clum  
*[Signature]*

Carole & Peter Clum  
45638 South Fork Drive  
Three Rivers, CA 93271

P.S. Eldorado County has good oak ordinance.

**Exhibit 3: Oak Woodlands Conservation Legislation of 2004  
(Kuehl SB 1334)  
California Public Resources Code Section 21083.4**

Oak Woodland Legislation 2004 (Kuehl SB 1334)

California Public Resources Code Section 21083.4.

a) For purposes of this section, "oak" means a native tree species in the genus *Quercus*, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.

(b) As part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

- (1) Conserve oak woodlands, through the use of conservation easements.
- (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.  
(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.  
(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.  
(D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.
- (3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.
- (4) Other mitigation measures developed by the county.

(c) Notwithstanding subdivision (d) of Section 1363 of the Fish and Game Code, a county may use a grant awarded pursuant to the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code) to prepare an oak conservation element for a general plan, an oak protection ordinance, or an oak woodlands management plan, or amendments thereto, that meets the requirements of this section.

(d) The following are exempt from this section:

- (1) Projects undertaken pursuant to an approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this section.
- (2) Affordable housing projects for lower income households, as

defined pursuant to Section 50079.5 of the Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to Section 56076 of the Government Code.

- (3) Conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes.
  - (4) Projects undertaken pursuant to Section 21080.5 of the Public Resources Code.
- (e) (1) A lead agency that adopts, and a project that incorporates, one or more of the measures specified in this section to mitigate the significant effects to oaks and oak woodlands shall be deemed to be in compliance with this division only as it applies to effects on oaks and oak woodlands.
- (2) The Legislature does not intend this section to modify requirements of this division, other than with regard to effects on oaks and oak woodlands.
- (f) This section does not preclude the application of Section 21081 to a project.
- (g) This section, and the regulations adopted pursuant to this section, shall not be construed as a limitation on the power of a public agency to comply with this division or any other provision of law.

**Exhibit 4: Oaks 2040: The Status and Future of Oaks in California  
(Excerpts, pp. 1-13, 15)**

# Oaks 2040



The Status and Future of Oaks in California

*By Tom Gorman and Jeffrey Firman  
Published by the California Oak Foundation*

# ***Oaks 2040: The Status and Future of Oaks in California***<sup>1</sup>

***Produced for the California Oak Foundation***

***by Tom Gaman And Jeffrey Firman***

***November 2006***

*This is the unabridged web edition*

## ***Abstract***

California oaks are seriously threatened as a burgeoning state population makes ever more use of the wildland. Most California oaks are not covered by the Forest Practice Act, are on private lands and are potentially at risk. The Oak Woodlands Conservation Act of 2004 requires cities and counties to assess their oak resources and to adopt Oak Woodlands Management Plans in order to meet the needs for healthy watersheds. Therefore *Oaks 2040* is designed to provide localized information for planners. This paper presents a forest and woodland map of the ten oak types found in California. The most recent statewide forest survey data from the Forest Inventory and Analysis (FIA) program are compiled into an inventory. The inventory data are then merged to describe the mapped oak types. By merging this inventory with state growth projections, the authors determine which oak woodlands are most likely to face development between now and 2040. Findings are reported for each of six regions: North Coast, North Interior, Central Coast, Sacramento, San Joaquin and Southern.

## ***Introduction: Developing Planning Tools for Oak Futures***

Ecological functions, wildlife habitat, recreational opportunities and scenic values are seriously impaired as population densities and other landscape use pressures increase. Managers of oak woodlands and forests need to balance the biological, sociological and economic interests of private landowners, public agencies, business, universities, environmental groups and concerned individuals. Planning must address the complexities of local, regional and statewide oak issues within the context of practical on-the-ground land use decisions.

*Oaks 2040* is based on objective oak data and is designed to serve decision makers who may develop local and regional Oak Woodlands Management Plans or

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<sup>1</sup> Tom Gaman ([tgaman@forestdata.com](mailto:tgaman@forestdata.com)) and Jeffrey Firman ([jfirman@forestdata.com](mailto:jfirman@forestdata.com)) of Forest Data, PO Box 276, Inverness, CA 94937. Gaman and Firman (see [www.forestdata.com](http://www.forestdata.com)) have been active many years in forest inventory, data analysis, mapping and forest conservation. Both have master's degrees in forestry from Yale University. Gaman is a registered professional forester and a board member of the California Oak Foundation. Thanks to Sally Campbell, Janet Cobb, Amy Larson, Doug McCreary, Bruce Pavlik, Mark Rosenberg and Dale Weyermann for their help in developing this research project. Thanks also to the Richard and Rhoda Goldman Fund for their financial assistance.

advance other conservation strategies. A statewide map of oak distribution and current forest and woodland inventory tree plot data, created by state and federal researchers, were the starting points for *Oaks 2040*. From those, regional analyses of forest structure and oak types as well as region-specific oak inventory summaries have been developed. By evaluating these maps and inventories against current economic growth projection *Oaks 2040* identifies the location and extent of oaks most at risk of development.

This document, the oak maps and inventory, constitute Part I of the oak story. This web-based version of *Oaks 2040: The Status and Future of California Oaks* includes more detail on regional oak forests and woodlands than does the printed version. It is provided for those who desire further regional detail. A companion document, "*Oaks 2040: Sustaining California's Oak Woodlands and Forests*" will be available in the future. Both of these documents and supporting details, charts and tables will also be available on the COF website: <http://www.californiaoaks.org/oaks2040>.

We provide this information so that the many individuals and groups that are interested in oak woodland conservation can identify where threats are greatest and how conservation efforts should be focused to encourage sustainable land use and development with conservation priorities. Methods are described in the print version and in the full-length web version.

## **Methods**

### **Mapping Oak Types**

A number of overall vegetation maps, maps of hardwoods in general, and oak-specific maps have been generated over the years. Currently, the most reliable statewide vegetation map available is the "LCMMP Vegetation Map" (FRAP map) produced by the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) in conjunction with the U.S. Forest Service (USFS) Region 5 Remote Sensing Lab (RSL) in Sacramento. While these maps do not focus specifically on oaks, oak habitat types can be extracted from mapped vegetation types. Using the FRAP map as a foundation (supplemented by other earlier mapping efforts), we have generated species-specific range maps of oak types throughout the state.

The FRAP map uses the *Calveg* classification system which first divides all vegetation into *Covertypes*. For finding wildland oak habitat, only two *Covertypes* (HDW and MIX) are relevant. All *woodland* classified as 'hardwood' (HDW) or *forest* classified as 'conifer/hardwood mix' (MIX) can potentially be oak habitat, provided it contains the relevant hardwood species. All other *Covertypes* were eliminated from the analysis.

After *Covertypes*, the *Calveg* system also specifies *Vegtype*, which identifies the dominant species association. For both HDW and MIX *covertypes*, the data were screened to ensure that the hardwood associations being mapped in a particular location are oaks. Nine such associations are dominated by a single species, each forming its own Oak Habitat Type, or "Oak Type". Three heterogeneous hardwood types were combined

to generate a "mixed" Oak Type. The 10 resulting Oak Types, each potentially occurring in both "woodlands" and "forests"<sup>2</sup>, are listed below:

**Table 1. Oak Types**

Oak Type	Scientific Name	Calveg Type(s)
Black Oak	<i>Quercus kelloggii</i>	QK
Blue Oak	<i>Quercus douglasii</i>	QD
Canyon Live Oak	<i>Quercus chrysolepis</i>	QC
Coast Live Oak	<i>Quercus agrifolia</i>	QA
Engelmann Oak	<i>Quercus engelmannii</i>	QN
Interior Live Oak	<i>Quercus wislizeni</i>	QW
Oregon White Oak	<i>Quercus garryana</i>	QG
Tanbark Oak	<i>Lithocarpus densiflorus</i>	QT
Valley Oak	<i>Quercus lobata</i>	QL
Mixed Oaks	not applicable	EX/NX/TX

This selection and reclassification process was applied to the FRAP maps. The results are GIS layers and maps depicting the distribution of woodland and forest oak habitat types throughout the state of California. See the tables in Appendix A for acres of cover where oaks dominate the woodland by county and Oak Type and acres of cover where oaks are present in the forest by county and Oak Type.

### Ownership & At Risk Analysis

Two additional layers are added to further intensify the oak mapping analysis. Land ownership and development risk layers are both incorporated into the map to assess pertinent conservation issues. The land ownership data is courtesy of the California Department of Forestry's Forest and Rangeland Resources Assessment Program (FRAP). Using their layer, the state is divided into a variety of public and private ownership categories. The statewide ownership layer overlaid on top of the Oak Type map reveals ownership patterns among California's oaks.

The development risk data has been derived from the California Department of Finance's projected development layer. This dataset is based on US Census Data (see FRAP Development Projections). This layer tracks past development by decade and predicts future development through 2040. Using this information, three categories were defined. 'Developed' is defined as anything that has developed (greater than 32 housing units per square mile) by 2000. 'At Risk' refers to anything that has not developed by 2000 but is expected to develop by 2040. And 'Stable' refers to anything that has not developed by 2000 and is unlikely to develop before 2040. Once the layer was divided into these three categories, it was overlaid on top of the Oak Type Map. The oak woodlands of the state were thereby divided into groups by oak type, ownership and development risk.

<sup>2</sup> "Oak Woodlands" are considered to be those mapped vegetation types where oaks dominate the landscape. "Oak Forests" include oaks, but oaks may not necessarily be among the dominant species. By definition forests and woodlands must have at least 10% canopy cover and be at least 1 hectare in extent.

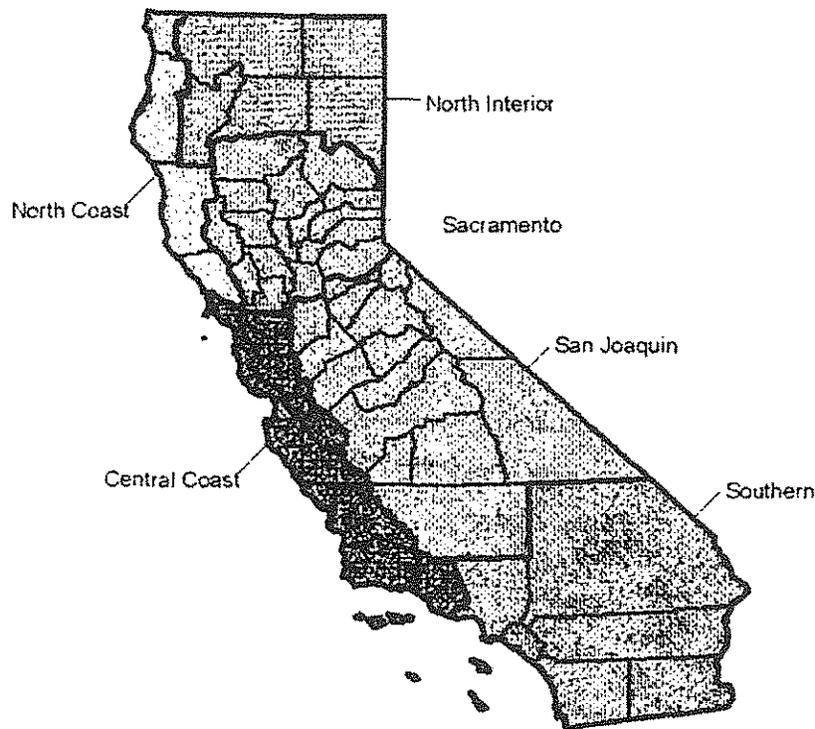
## **Inventory and Analysis**

The other critical element for assessment of mapped oak types is the inventory summary, which is based upon data obtained from the USFS Forest Inventory & Analysis Program (FIA; see <http://fia.fs.fed.us/tools-data/>). This statewide grid of permanent forest survey sample "plots" yields information about what the mapped oak forests and woodlands look like on the ground. The plots provide information not obtainable via remote sensing techniques—an inventory of forest fuels, species distribution, specific size, growth, regeneration, habitat features, pest and disease. With point-specific data ranging from species composition to seedling regeneration to tree size and density, these plots help one understand the makeup of each of the 10 oak types.

The 2001-2004 FIA field data were obtained to provide an inventory of each of the oak types discussed above. Combining the ground-based survey data and the GIS mapping data enabled us to provide a new comprehensive oak inventory as shown in Appendix B.

# California Oaks: A Statewide and Regional Analysis

To facilitate regional analysis, California has been divided into six distinct regions. In an attempt to represent the levels at which conservation policy is often decided, county boundaries have been utilized for this regional split, rather than natural boundaries such as watersheds or bioregions. These are the same regions used in Bolsinger's 1988 *The Hardwoods of California's Timberlands, Woodlands, and Savannas*, except that the San Joaquin Valley has been separated from the rest of Southern California. The six different regions and their associated counties are shown below:



North Coast: Del Norte, Humboldt, Mendocino, Sonoma

North Interior: Lassen, Modoc, Shasta, Siskiyou, Trinity

Central Coast: Alameda, Contra Costa, Marin, Monterey, San Benito, San Francisco, San Mateo, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Ventura

Sacramento: Butte, Colusa, El Dorado, Glenn, Lake, Napa, Nevada, Placer, Plumas, Sacramento, Sierra, Solano, Sutter, Tehama, Yolo, Yuba

San Joaquin: Alpine, Amador, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, Tulare, Tuolumne

Southern: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego

## Forest Oaks and Woodland Oaks

For the purposes of this report "Oak Woodlands" are considered to be those mapped vegetation types where oaks dominate the landscape. By definition, they have at least 10% canopy cover. "Oak Forests" are those vegetation types dominated by trees, but *Quercus* spp. or *Lithocarpus densiflorus* may not necessarily be among the dominant species. The two broad categories are further subdivided each into the 10 "Oak Types" which describe the oak association (Table 1). Generally oak forests tend to occur at higher elevations with higher rainfall. They are generally denser and are located further from existing urban population centers so they are generally less at risk from development. There is also less concern about oak regeneration in these forest types. Note also that the 9 broad vegetation types of woodlands and forests each characterized by a single oak species usually contain multiple oak species.

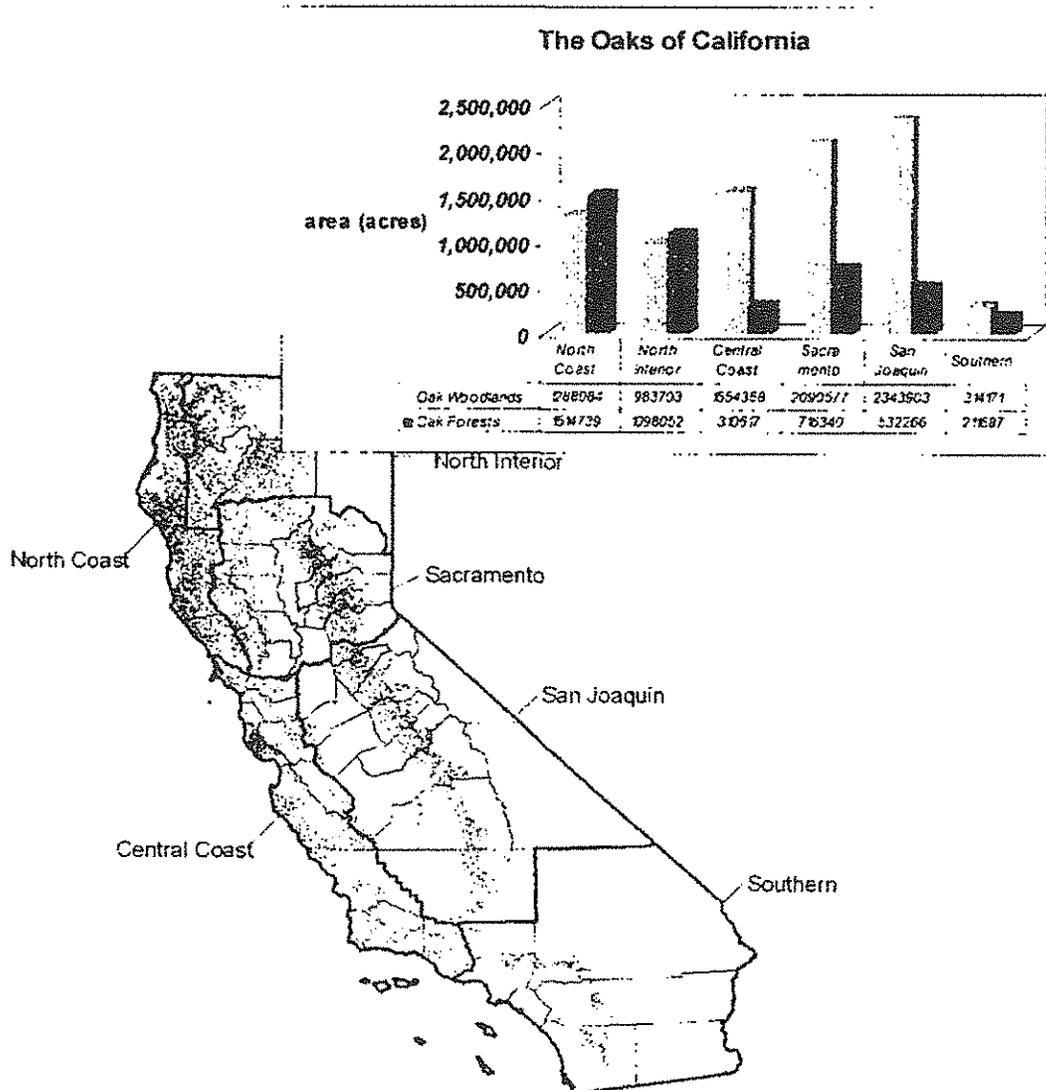
Table 2. Oak Types:

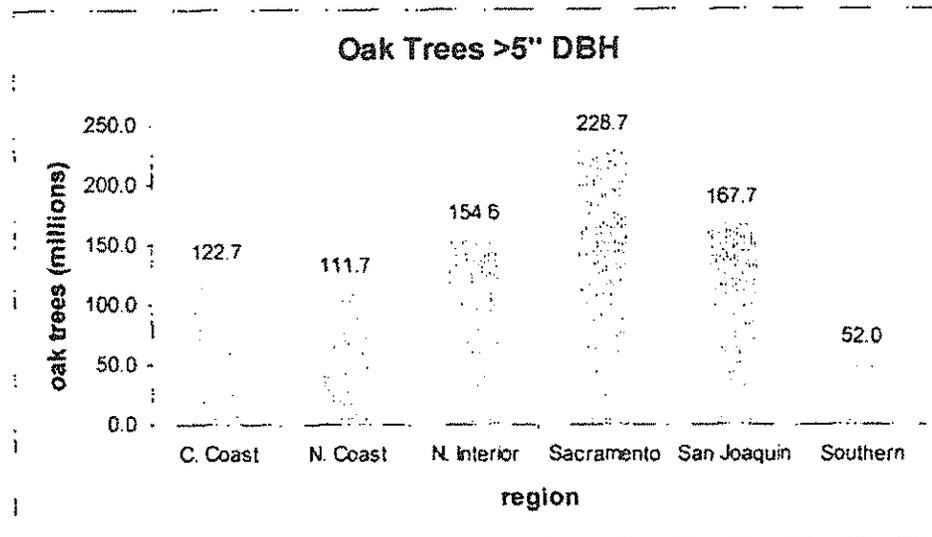
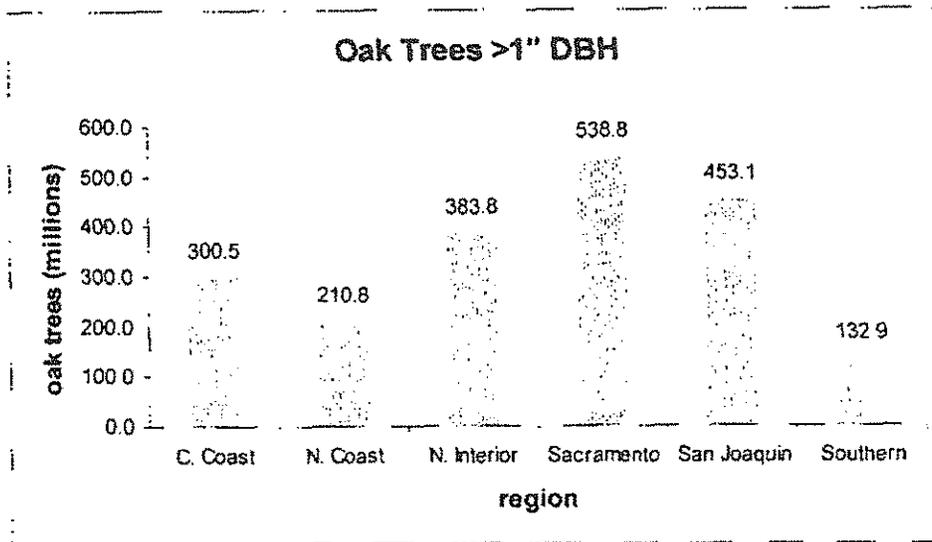
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Engelmann Oak	<i>Quercus engelmannii</i>	QN
Interior Live Oak	<i>Quercus wislizeni</i>	QW
Oregon White Oak	<i>Quercus garryana</i>	QG
Tanoak	<i>Lithocarpus densiflorus</i>	QT
Valley Oak	<i>Quercus lobata</i>	QL
Mixed Oaks	not applicable	EX/NX/IX

An analysis of the state as a whole and then each of these six regions individually follows. It delves into acreages of oak woodlands and forest oaks, densities of oak woodlands, distribution of various oak types, oak woodland ownership patterns, past development of oak woodlands, and categorization of oak woodlands at risk. All of these analyses are presented first at the state and regional levels. Then, within each region, the same factors are summarized at the county level to identify patterns and trends that pertain to oak conservation. The following statewide and regional analyses both paint a picture of California's oaks and highlight crucial areas for oak conservation throughout the state.

## Oaks Play a Major Role in the California Landscape

- California has approximately 8.5 million acres of oak woodland and 4.5 million acres of oak forest.
- These 13 million acres comprise more than one-eighth of the state's area.
- The Sacramento and San Joaquin regions are home to more than half of California's oak woodland.
- Oak forests are concentrated in the North Coast and North Interior regions.
- California currently has approximately two billion oaks greater than 1" DBH.
- More than 800 million of these oaks are larger than 5" DBH.



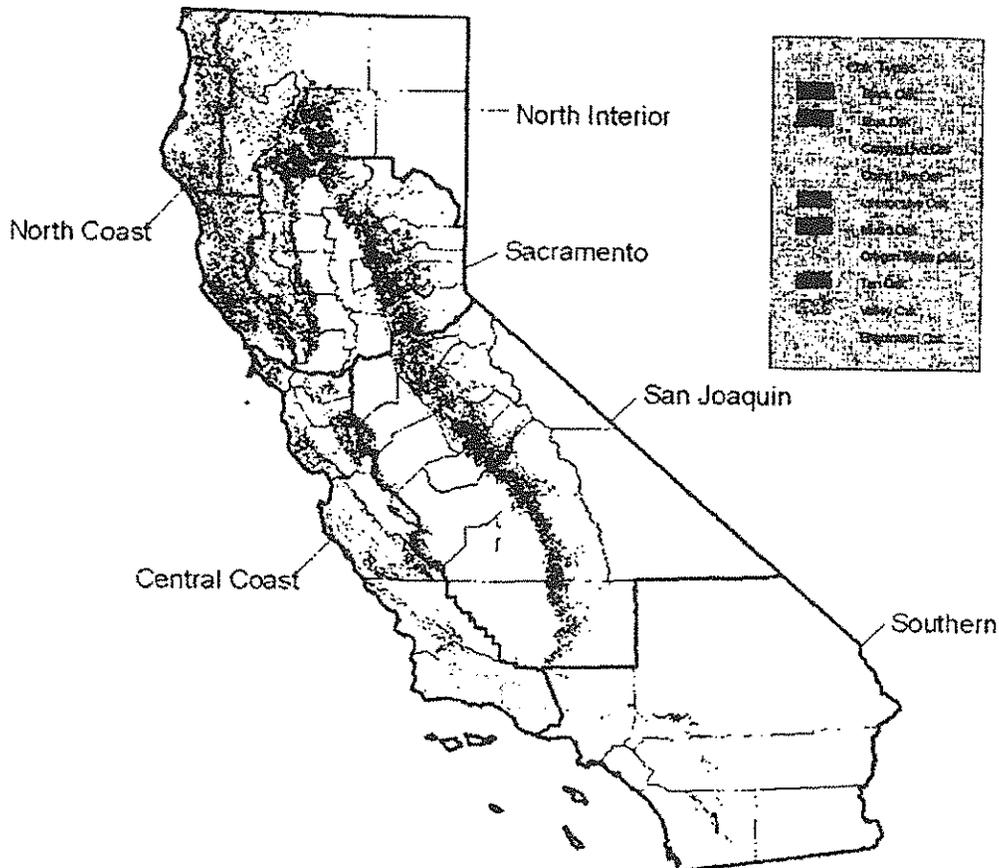


## California's Diverse Oaks

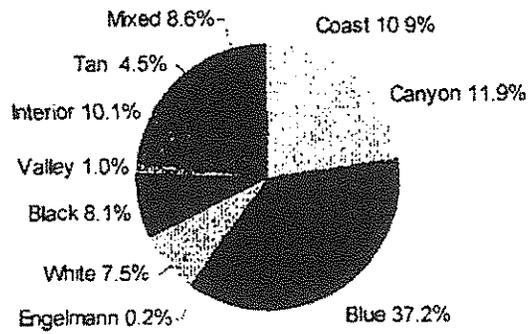
- Blue oak is California's dominant oak species by total acreage, representing more than one-third of the state's oak woodlands.
- Canyon, coast and interior live oak woodlands comprise approximately one-third of California's oak woodlands.
- Tanoak, black and canyon live oak forests account for more than 80% of California oak forests.

Oak Type	Woodlands (ac)	Forest (ac)
Blue	3,185,000	15,000
Canyon	1,015,000	995,000
Coast	930,000	115,000
Interior	870,000	70,000
Mixed	740,000	305,000
Black	695,000	1,125,000
White	640,000	300,000
Tan*	390,000	1,460,000
Valley	85,000	0
Engelmann	20,000	0
<b>Totals</b>	<b>8,575,000</b>	<b>4,385,000</b>

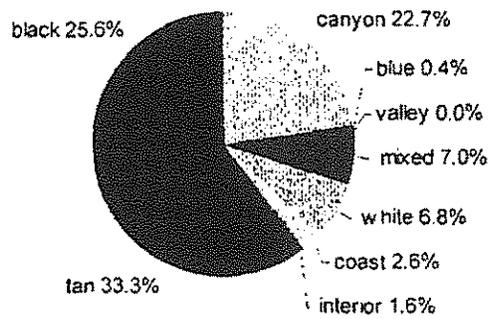
\*Tanoak is the only native North American member of the genus *Lithocarpus* while all other California oaks are *Quercus* spp. While not a "true oak" tanoak is included in this report as it is a significant part of California's oak forest, produces an important acorn crop, and serves a similar biological role.



### Oak Woodland Diversity of California

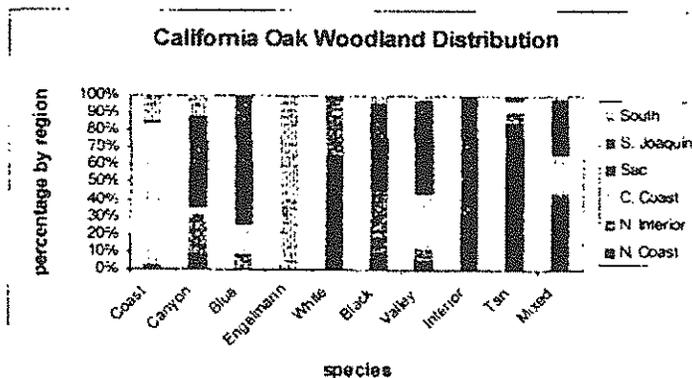


### Oak Forest Diversity of California

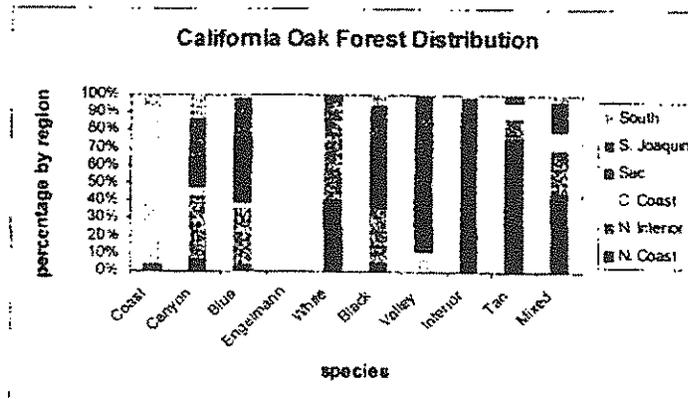


## The Heterogeneous Distribution of California's Oaks

- **Coast Live Oak:** 80% of oak woodlands and 90% of oak forests are found in the Central Coast
- **Tanoak:** 85% of oak woodlands and 75% of oak forests are found in the North Coast
- **Blue Oak:** Concentrated in the San Joaquin and Sacramento Regions
- **Interior Live Oak:** Almost exclusively restricted to the San Joaquin and Sacramento Regions
- **Black Oak:** Most concentrated at higher elevations in the North Interior and Sacramento Regions
- **Oregon White Oak:** Mostly found in the North Coast and North Interior Regions
- **Canyon Live Oak:** Most common in the North Interior, Sacramento, and San Joaquin Regions
- **Valley Oak:** Most prominent in the Sacramento, Central Coast, and San Joaquin Regions
- **Engelmann Oak:** Restricted solely to the Southern Region

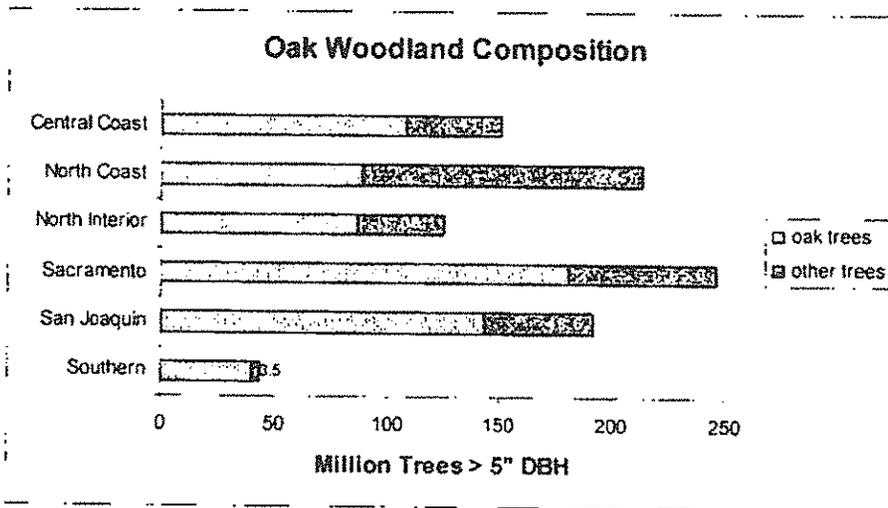


In Oak Woodland...

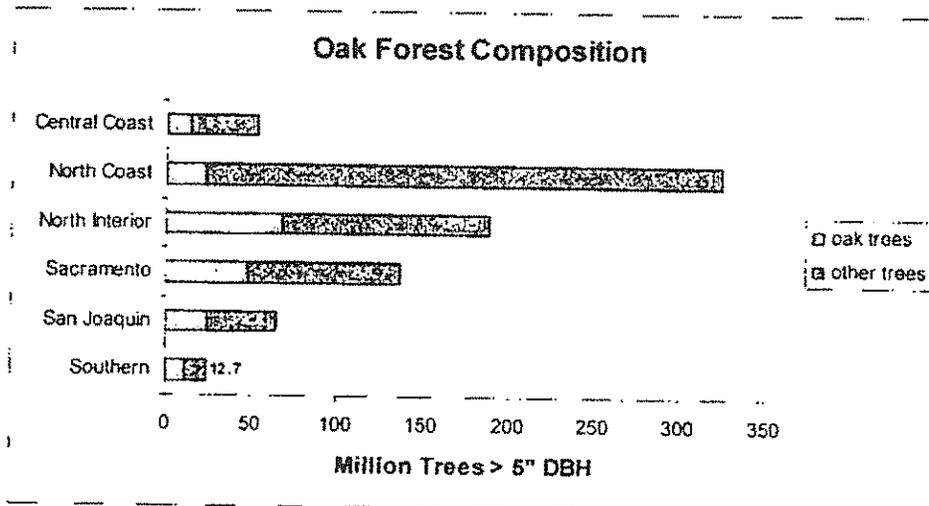


- Oaks comprise 60% of the total tree basal area.
- Oaks account for 67% of trees greater than 5" DBH.
- Oaks account for 37% of trees greater than 24" DBH.

**In Oak Forest...**

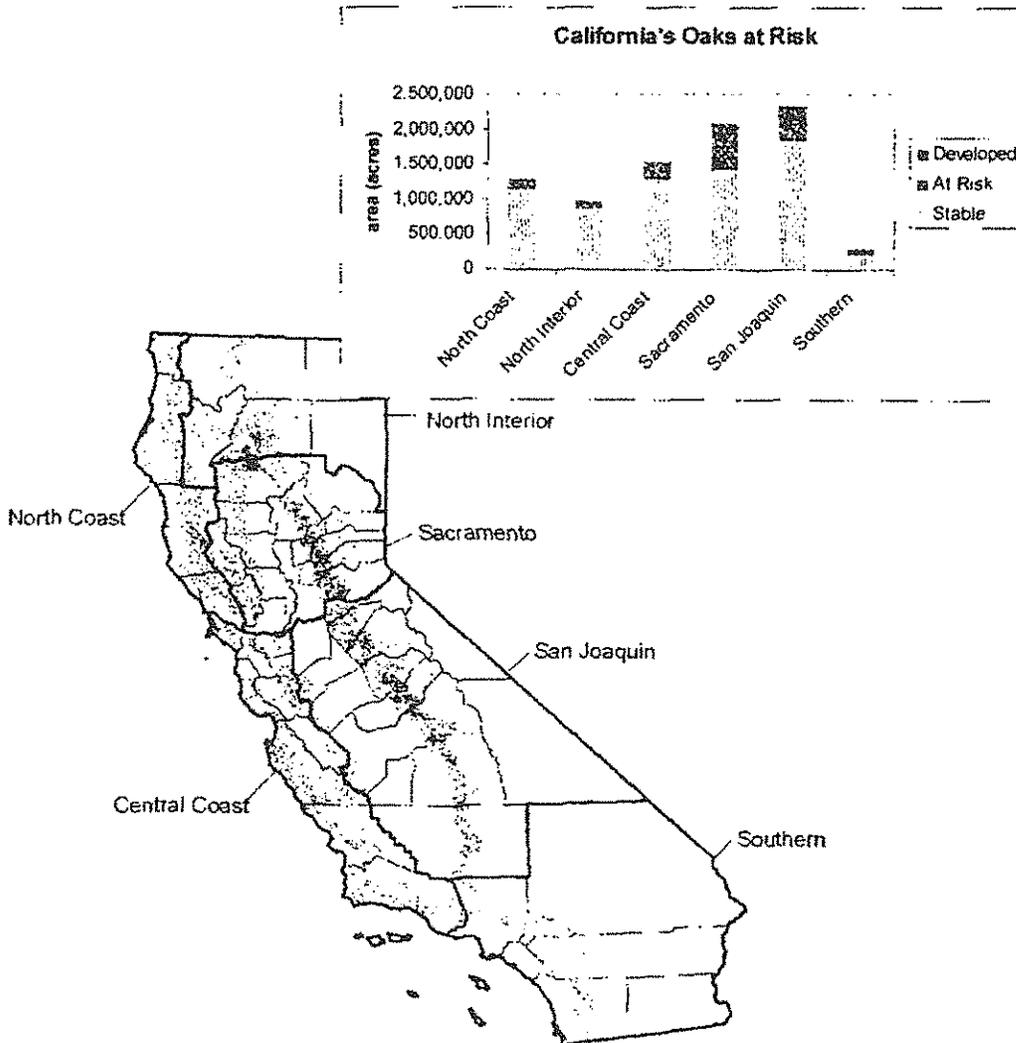


- Oaks comprise 18% of the total tree basal area.
- Oaks account for less than 24% of trees greater than 5" DBH.
- Oaks account for only 8% of trees greater than 24" DBH.



## Oaks 2040: Future Prospects for California's Oaks

- Approximately 750,000 acres of California's oak woodlands are at risk of development before 2040.
- More than one million acres of California's oak woodlands have already been developed.
- In total, 20% of California's oak woodlands will be facing rapid urbanization by 2040.
- The oak woodlands of the Central Valley and Sierra Foothills face the most immediate threats.
- Eighty percent (80%) of California's oak woodlands that are at risk of development are in the Sacramento and San Joaquin Region.



**Exhibit 5: Oaks 2040: The Status and Future of Oaks in California  
(Excerpts, pp. 41-46)**



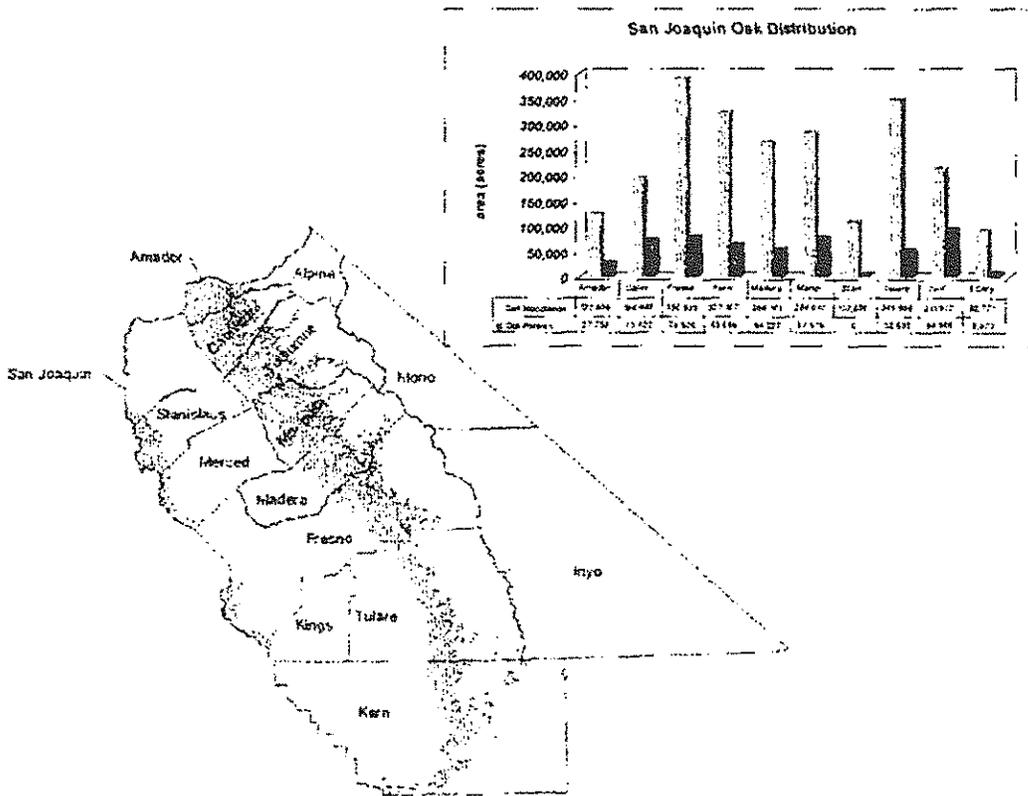
# The San Joaquin Region

## Alpine, Amador, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, Tulare, Tuolumne

Data Availability: The FRAP maps combined with the US Bureau of Reclamation map covers most of this region. The Sequoia-Kings Canyon National Park map covers the gaps in Tulare and Fresno Counties. The only other data gap is in the desert, where little or no oak woodland is present.

### Oak Mapping

- The San Joaquin region has more than 2.3 million acres of oak woodlands and 500,000 acres of oak forests.
- Oaks are present on only 10% of the region's land. However, certain portions of the region have far greater oak woodland density than others.
- Overall, 27% of the state's oak woodland falls within these 15 counties.
- The San Joaquin region currently has more than 450 million oak trees. More than one-third of these oaks are larger than 5" DBH.



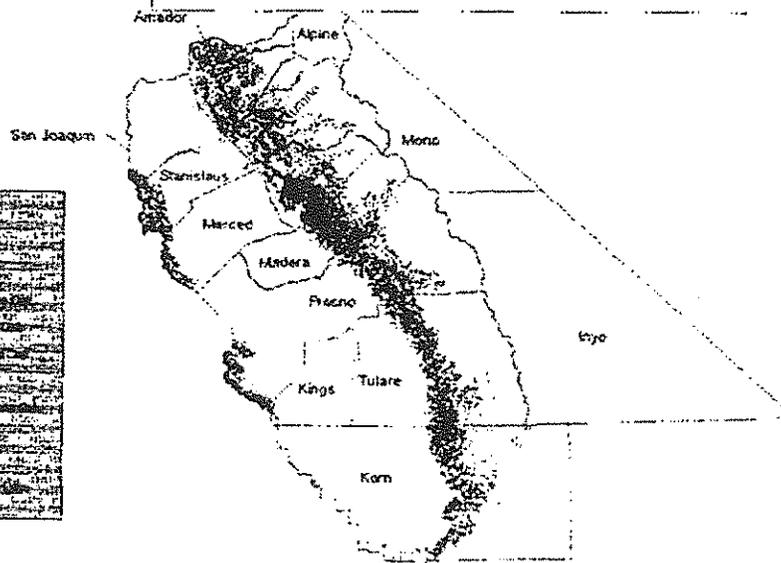
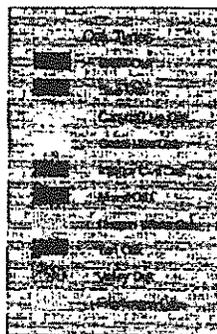
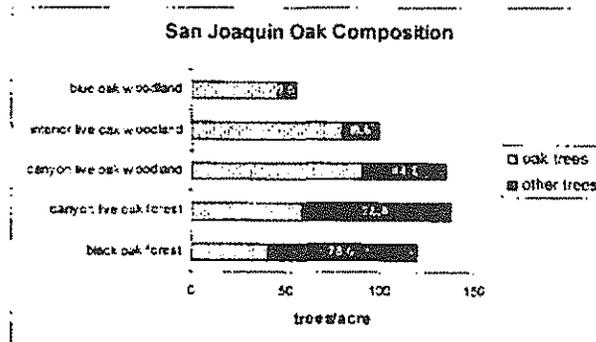
# San Joaquin Oak Diversity

## Oak Woodlands

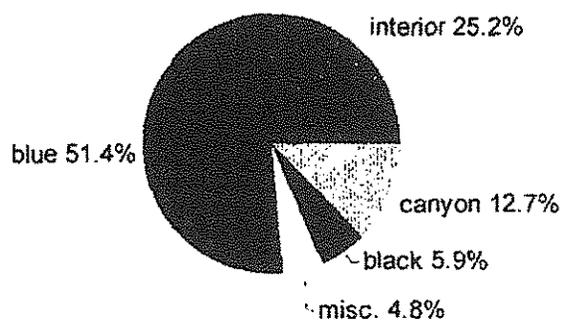
- More than half of the region's oak woodlands are blue oak and another 25% are interior live oak.
- Associated species include gray pine and buckeye, as well as valley oak, blue oak and canyon and interior live oaks.
- The San Joaquin region has more blue oak woodlands and interior live oak woodlands than any other region.
- In blue oak woodlands, oaks account for 70% of the trees and 80% of the basal area and trees greater than 5" DBH.
- In interior live oak woodlands, oaks provide 70% of the tree basal area and more than 80% of the trees.
- In canyon live oak woodlands, oaks comprise 55% of the basal area, 62% of all trees, and 67% of trees greater than 5" DBH.

## Oak Forests

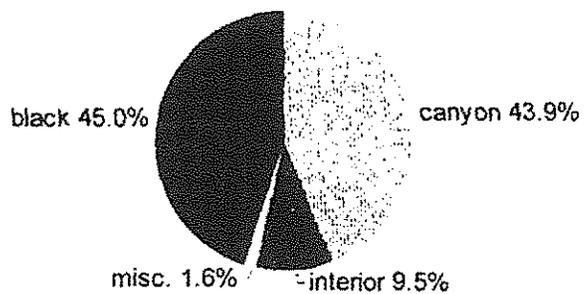
- Canyon live oak and black oak comprise almost 90% of the oak forests.
- Associated species in San Joaquin oak forests include incense cedar, ponderosa pine, sugar pine and white fir.
- In canyon live oak forests, oaks provide one-third of the basal area and nearly one-half of the trees.
- In black oak forest, oaks comprise more than half of the trees, but only one-third of the trees greater than 5" DBH and only one-quarter of the tree basal area.



### San Joaquin Oak Woodland Diversity



### San Joaquin Oak Forest Diversity



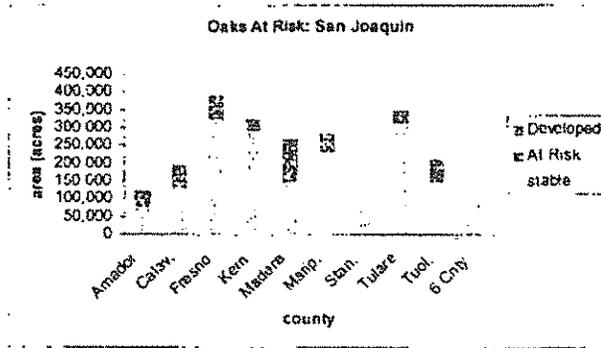
# Oaks at Risk in the San Joaquin Region

## Ownership

- Seventy-three percent of the San Joaquin region's oak woodlands are privately owned.
- The USFS owns 18% and the BLM owns five percent.

## Development

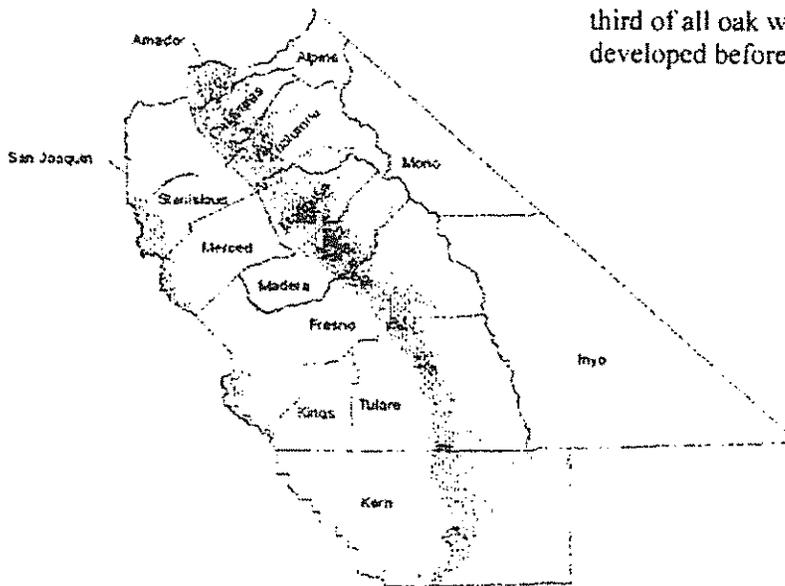
- Ten percent of the oak woodlands in the region have already been developed. Ten percent are at high risk of development by 2040. Eighty percent are currently stable, however targeted planning could ensure that a greater number of acres are conserved for the long-term.



- Nearly 250,000 acres of oak woodlands in the San Joaquin region are at risk of development by 2040. Only the Sacramento region contains more oak woodlands at risk.

- In Madera, Amador, and Calaveras Counties combined, more than one-third of all oak woodland may be developed before 2040.

- In Madera, Amador, and Calaveras Counties combined, more than one-third of all oak woodland may be developed before 2040.



## **Critical Oak Conservation Issues: San Joaquin Region**

The **San Joaquin** region has more than one-quarter of California's oak woodlands, more than one-third of California's blue oak woodlands and more than two-thirds of California's interior live oak woodlands. While oaks are present on only 10% of the acreage region-wide, oak woodlands are densely distributed throughout the Southern Sierra Nevada Foothills. More than 70% of this critical and sizeable chunk of oak woodlands is privately owned, but the USFS, BLM, and the National Park Service have major holdings as well. Nearly a quarter million oak woodland acres in this region have already been developed and another quarter million acres are at risk by 2040. One third of the state's oak woodland at risk is found within the San Joaquin Region. The South Yosemite areas around Oakhurst and Mariposa are most at risk, but the development axis spreads up Highway 49 through Sonora, Angel's Camp and Jackson. Additional pockets are found further south by the entrances to Sequoia-Kings Canyon National Park and by Tehachapi. Vast oak woodland resources are found within the San Joaquin region. In an area so vast and with so much diversity, a variety of conservation tools are necessary. Management of public oak woodlands is a crucial issue. Development also needs to be managed to provide sustainability. Perhaps most importantly, efforts must be made to legally protect huge acreages of private land through easements and/or in fee acquisitions.

Twenty-five percent of **Madera County's** quarter million oak woodland acres are at risk of development by 2040. Only El Dorado and Tehama counties have more acres at risk. The foothill bands of blue and interior live oak woodland pass through Madera where they face developmental pressures radiating out from Oakhurst and Yosemite's South Entrance. Recreation and tourism are key factors here, as well as the typical expansion outward from Fresno and the other valley cities.

**Mariposa County** has more oak woodlands than Madera County. In fact, oaks cover more than a third of the county. Mariposa's oak woodlands face less immediate threat of development than those in Madera. Nonetheless, 30,000 acres of oak woodland are at risk by 2040. In both Madera and Mariposa, public land management is a crucial issue. Smart growth is essential to manage development but still retain natural oak woodland resources.

**Tuolumne County** has the highest rate of oak woodland development in the region. Management of significant public land holdings, protection of the remaining private oak woodlands and application of smart growth principles around Sonora and Standard are essential in order to avoid degradation of scenic and wildlife values. Oaks are present on 40% of Calaveras County land, of which thirty-thousand acres are developed. Another 35,000 of oak woodlands are at risk around San Andreas and Angel's Camp. Almost 90% of Calaveras' oak woodland is privately owned. Steps must be taken to mitigate development in the short term and provide easements for the long term.

In **Amador County**, more than one-third of the oak woodlands have already been developed and over 90% of remaining oak woodlands are privately owned. Conservation and management of oak woodlands around Amador City, Lone, Jackson, Plymouth and Sutter Creek is critical. Additionally, steps should be taken to provide more long-term protections for oak woodlands in this county.

Critical Oak Conservation Issues: San Joaquin Region (continued)

**Fresno County** tops the San Joaquin region with nearly 400,000 acres of oak woodland. Fresno is one of four counties in the state with more than 200,000 acres of blue oak woodland (Tehama, Shasta, and Monterey are the other three). Despite high public ownership by the USFS and the BLM, more than 50,000 acres of oak woodland in Fresno are at risk of development before 2040. The most vulnerable areas are those that are commutable to the City of Fresno. The southern portion of the county near the National Park is also at high risk. Fresno has oak woodlands on its western side, much like Stanislaus and Merced. Fresno also has some oaks in the Central Valley, which are typically scattered around existing developed and agricultural areas. These areas are often covered by the USBR map, but not by the FRAP map. Nonetheless, the majority of the region's oak woodlands and oak forests are found in the Sierra Foothills to the east. With the great diversity of environments found in Fresno County comes a diversity of problems and solution options. Development must be managed towards sustainability. Oak woodlands in residential areas must be protected through education and public incentives and regulations. Protections must be put in place in order to conserve rural private oak woodlands in perpetuity. Public lands must be appropriately managed.

**Tulare County's** situation is similar to Fresno County, but with a less severe threat. Tulare has over 300,000 acres of oak woodland, nearly 30,000 of which are at risk for development by 2040. Tulare maintains more than half of the region's valley oak woodlands and considerable acreage of blue oak woodland as well. Development pressures include valley towns expanding into the foothills and pressures from recreation and tourism. One-third of Tulare's oak woodlands are owned by the government, so proper management of public oak woodlands is important. Additionally, growth and development should be carefully monitored and limited where possible. Finally, long term protections are needed for wild private woodlands.

**Kern County** also has over 300,000 acres of oak woodland. Roughly five percent has already been developed and another five percent are at risk of development before 2040. As in many other parts of the San Joaquin region, blue oak woodlands and interior live oak woodlands abound. Oak woodland development is concentrated around the City of Tehachapi. Kern is experiencing problems similar to those faced in Fresno and Tulare. In particular, the issue of private land stewardship is critical to protect vast acreages of oak woodlands.

**Stanislaus, Merced, San Joaquin, and Kings Counties** have a total of 200,000 acres of mapped oak woodland. The majority of these oak woodlands are found in Stanislaus and Merced Counties. Most of this is in the western portions of the counties and while most of it is privately owned, very little is expected to be developed before 2040. The U. S. Bureau of Reclamation map shows some additional acreage in the county, but mostly in agricultural or developed areas. Permanent protection should be sought for oak woodlands before large-scale development eliminates this option.

**Alpine, Mono, and Inyo Counties** combined have less than 5,000 acres of oak woodland, owned and managed almost entirely by USFS.

**Exhibit 6: Donald Bren School of Environmental Science & Management,  
UCSB, "A Dynamic Strategy for Conserving Southern Sierra Blue Oak  
Woodland" (2007) (Full article, pp. 1-4)**



## A Dynamic Strategy for Conserving Southern Sierra Blue Oak Woodland

Blue oak (*Quercus douglasii*) is a conspicuous and charismatic California endemic species. Blue oak woodlands host an array of native understory vegetation and provide important habitat for wildlife. This habitat also occupies a large quantity of valuable real estate, making it one of the more threatened California biomes. Historic threats such as habitat fragmentation, invasive species, altered waterways and ubiquitous pollution are compounded by climate change. In an effort to conserve remaining blue oak habitat, The Nature Conservancy is purchasing lands in sensitive areas and negotiating conservation easements with private land owners.

We provide The Nature Conservancy (TNC) with a dynamic strategy for conserving blue oak woodland in Tulare County which is located in the southern portion of the blue oak range. This brief identifies areas of high ecological importance and provides a spatial and temporal analysis of climate change and development threats.

To provide a well-rounded strategy for protecting Tulare County blue oak woodland, we examine several components of blue oak woodland conservation, including the identification of quality habitat, a threat analysis, and strategies for multi-species management within protected areas.



### Priority conservation areas

Conservation priority areas are core areas of habitat that contain the highest measurable habitat heterogeneity and biodiversity within Tulare County blue oak woodland. We recognize that TNC is interested in conserving both blue oaks and the blue oak woodland community. We therefore identify parts of Tulare County blue oak woodland that are likely to contain high quality habitat for woodland plant and animal species. In order to do this, we identify coarse-scale landscape features that represent habitat heterogeneity or act as indicators of high species biodiversity. Using a multi-criteria analysis, we rank watersheds within Tulare County blue oak woodland according to: (a) the amount of riparian habitat; (b) elevational range; (c) threatened and endangered plant species richness; (d) number of recorded vertebrate species; (e) degree of intactness. We identify six conservation priority areas based on the highest ranking watersheds or conglomeration of high-ranking watersheds. Our conservation priority areas comprise just under 20% of Tulare County blue oak woodland (355 km<sup>2</sup>), 18.6% of which (66.5 km<sup>2</sup>) is privately held. We believe this is a reasonable conservation goal.



### Threat from development

Tulare County's population has been growing at an average rate of 2% per year, with new development occurring in the foothill region of the county. The majority of blue oak woodland currently falls under private ownership and was historically used primarily as land for grazing. The decline in profitability of cattle ranching in California along with rapidly increasing land prices is putting

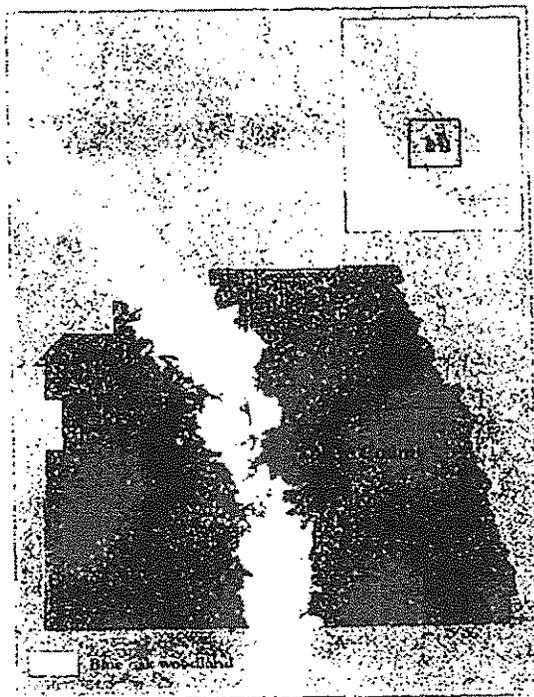


Figure 1: Blue oak woodland forms a vertical band across Tulare County within the foothill region of the southern Sierra.

unprecedented pressure on landowners to develop. Tulare County's foothills are still a relatively contiguous, unfragmented band of habitat, but commuters into the Valley's rapidly growing urban centers and retiring baby boomers looking for a rural lifestyle are beginning to develop the foothills. People bring with them homes, roads, pets, and invasive species, all of which present a threat to the native flora and fauna that live in blue oak woodland and to the oaks themselves. Studies have shown that oak woodland fragmentation affects tree regeneration rates, lowers biodiversity, and results in the extirpation of sensitive species. Efficient conservation will need to identify which patches of blue oak woodland are under the most immediate pressure from development.

We evaluate current development in Tulare County blue oak woodland. Presently less than 15% of Tulare County blue oak woodland is impacted by development. We provide development scenarios that depict a likely progression of development in

the southern Sierra foothills and calculate the subsequent impact on the county's blue oak woodland. For example, we show that a complete build-out under Tulare County's current General Plan would directly impact 21% of the county's blue oak woodland; increased fragmentation by roads and rural residences would degrade an additional 57% of the blue oak woodland.

### Climate change

Climate change will compound traditional threats such as habitat fragmentation, invasive species, altered waterways, and pollution that come with development. This synergy of threats has the potential to change natural blue oak woodland habitat in unprecedented ways. Driven largely by climatic requirements, blue oaks' current distribution covers a well-defined elevational band in the foothills encircling the Central Valley of California. Increases in temperature are expected to shift the distribution of suitable habitat for blue oaks northward and upslope, resulting in decreased range size. Existing research has found that the potential range of blue oaks is likely to shrink to 59% of the current range statewide over the next 100 years.

We evaluate the potential impacts of multiple climate change scenarios on blue oak woodland in Tulare County using both statistical modeling of suitable habitat and dynamic simulations of the blue oaks' response to a changing environment. Based on our model results, we develop a simple metric for assessing the likely persistence of blue oak woodland under climate change. Our models predict that climate change will reduce the range of suitable habitat for blue oaks in Tulare County by 25-95%. Because mature blue oaks are hardy and long-lived, the actual shifts in the distribution of the species will be lagged significantly compared to the shifts in habitat suitability. We identify which parts of the current range of Tulare County blue oaks are likely to disappear as suitable habitat, which parts are likely to persist, and which are likely to emerge as newly suitable habitat. We use these results in conjunction with development predictions to

evaluate the threat patterns within conservation priority areas.

#### 4. Threat synergy

Conservation planning that aims for long-term blue oak persistence will have to protect blue oak woodland from the immediate threat of development, while planning for an eventual range shift due to climate change. We examine the relative effects of development and climate change on Tulare County blue oak woodland in 2080, which we believe to be a reasonable time horizon for conservation planning. We divide Tulare County blue oak woodland into 2500 m<sup>2</sup> pixels, then determine the relative quality of blue oak habitat under a 2080 climate and associated level of development threat for each pixel. This information may be used by TNC to identify areas for conservation priority.

Figures 3 and 5 provide an example of how we interpret the threat synergies of development and climate change. In 2080, about half of the current range of blue oak woodland will become unsuitable due to climate change. The suitable habitat that will remain is scattered through the range, and contraction to the upper-middle elevations of the current range occurs. Within suitable habitat, we evaluate the threat of development. If TNC were interested in conserving areas with high habitat quality and are highly threatened, then TNC should focus on priority areas B, C, and D.

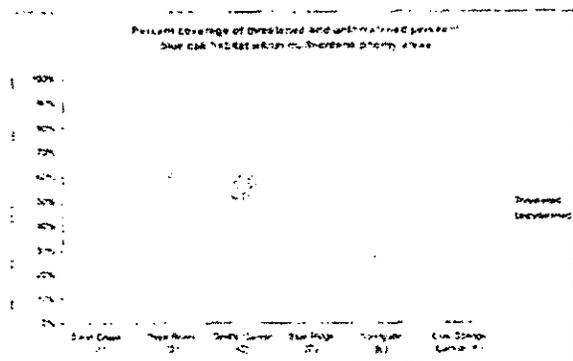


Figure 2: This graph shows the proportion of threatened and unthreatened persistent woodland within priority areas.

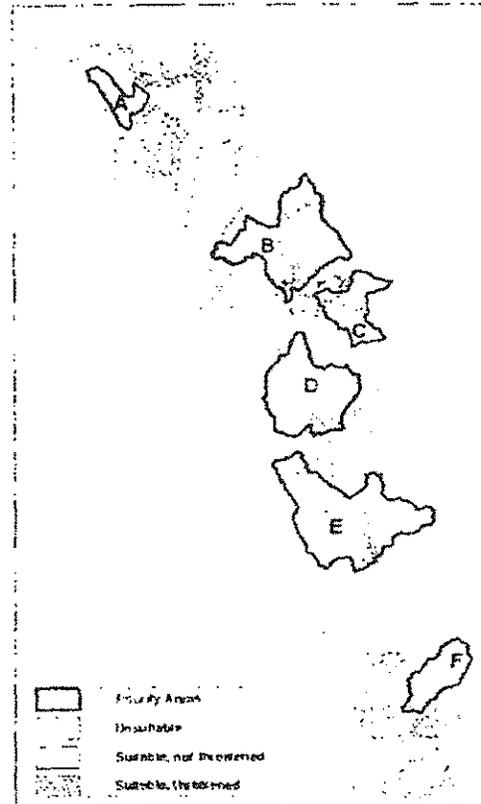


Figure 3: The distribution of threats within areas of likely persistence for blue oak woodland in the year 2080.

#### 5. The blue oak community

We conducted our multi-criteria analysis and subsequent identification of conservation priority areas at the scale of Calwater planning watersheds, which average approximately 5500 acres. Conservation site selection, however, will likely be done at a smaller scale – possibly through the purchase or easement of private parcels. Fine-scale landscape features can be used to further identify and prioritize sites within conservation priority areas. Targeted wildlife species may require specific landscape features such as ponds, rocky outcrops, or mature trees. We provide a brief overview of blue oak woodland wildlife species and associated status on federal and state endangered species lists. We address the minimum size required to maintain viable populations of various woodland species. An



### Recommendations

1. Work within conservation priority areas
2. Use threat-synergy in making conservation decisions within and between priority areas
3. Use bands of high persistence to connect reserves
4. Manage lands to optimize the chance of blue oak regeneration
5. Use species targets to determine site size, configuration, and connectivity.
6. Work with local institutions to maximize blue oak persistence outside of designated reserves

appropriate reserve size depends both on the species targeted and the management of land outside of protected reserves. We therefore provide a tiered approach to determining reserve size; we offer guidelines for the protection of wide-ranging woodland species down to areal requirements of smaller species within blue oak woodland. Mountain lions, for example, have home ranges of almost 10,000 acres and use a wide range of habitats, including blue oak woodland; reserves designed to accommodate this species will need to be large and interconnected to other foothill reserves and public parks.



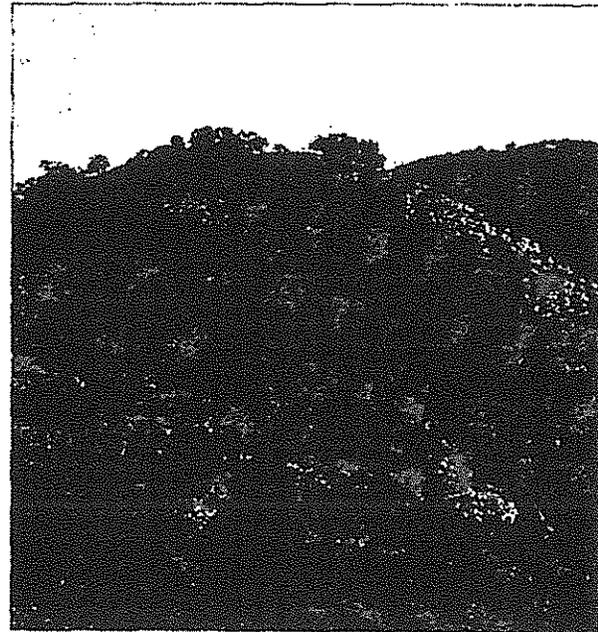
### Optimizing blue oak recruitment

Our models assume that blue oaks will persist indefinitely under current land use and climate conditions. There is evidence, however, that blue oaks are not regenerating over much of their range, including Tulare County. The reasons for lack of recruitment and seedling survivorship are varied, and include grazing, invasive species, altered disturbance regimes, fragmentation, herbicides, and tilling. We review the debate over the "regeneration problem" and offer strategies for managing blue oak lands in order to optimize the chance of successful recruitment and survivorship.

We suggest the use of wire cage enclosures to protect emergent seedlings from grazing in areas where deer and cattle have access and root-cages where rodent damage is a problem. We recommend that grazing be kept to 10-20 acres per cow per year and pastures allowed to rest in the spring and summer. Mulching and weed control around emergent seedlings can reduce water and light competition. These techniques will likely increase blue oak regeneration in managed areas.

### Conclusion

Blue oaks are an integral component of the California landscape. We offer a strategy for blue oak conservation in a dynamic landscape. We provide both methods and information for (a) prioritizing sites for limited-budget conservation, and (b) reconciling protecting lands from the immediate threat of development with planning for the long-term change caused by a warming climate. We suggest wildlife species that may be used for fine-grain conservation. Finally, we offer suggestions for the management of blue oak woodland in order to ensure that these magnificent trees are around for centuries to come.



**Exhibit 7: IHRMP Study: "Compilation of Woodland Policy Inventory (pp. 1-2)  
and "Oak Woodland Policies of 41 California Counties" (pp. 1-4)  
(Susan D. Kocher, IHRMP, November 2003)**

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## Compilation of Oak Woodland Policy Inventory

Susan D. Kocher

University of California/Berkeley - Center for Forestry  
Integrated Hardwood Range Management Program and Oak Conservation Workgroup  
November, 2003

### Goal

The goal of this project was to compile and inventory all county-based policies to protect oak woodlands adopted by the 41 California Counties with oak woodlands.

### Background

This project was developed by UC's Oak Conservation Workgroup and Integrated Hardwood Range Management Program (IHRMP) of the Division of Agriculture and Natural Resources (ANR). This information was considered to be a top priority in the development of educational programs addressing local conservation strategies to conserve oak woodland resources.

### Methods

Policy documents were gathered primarily in electronic format. County general plans, zoning, grading and subdivision ordinances were downloaded from county websites and from CERES, the California Environmental Resources Evaluation System, when available. Electronic versions of policy documents were also e-mailed directly by county staff in several counties. Hard copy versions of policies were collected by mail in a few instances. Additional policies such as General Plan Background Reports or EIRs were reviewed when easily available.

Collection of every policy and general plan element from every county, regardless of relevance to oak woodland conservation, was not attempted due to the scale of the inventory effort. Area and specific plans were not reviewed due to their great quantity. Phone calls and e-mails were made to staff in most counties where very few policies were found in order to confirm that the search had not missed important information. A copy of each county's policy inventory was sent to each planning department. Responses either confirming the accuracy of the inventory or suggesting changes were received from about half the counties. Suggested changes, if applicable, were incorporated into the inventory.

### County Specific Policy Summaries

All policy documents collected were read to identify language that might conserve or protect oak resources and a county specific summary was developed for each of the 41 counties. Relevant language from each collected policy document was summarized in a table. Policies were classified according to content with note made when policies required oak tree retention or replacement during development or protection during construction. A small number of counties required conservation of the areal extent of oak woodland canopies. Requirements for protection of heritage trees and riparian vegetation were also noted. Several counties had policies that required an oak woodland conservation program on the part of the county. This categorization scheme is an expansion on previous work reported in Harris and Kocher, 2002.

These policies were then summarized by type to identify whether the policy was contained in general plan language, as a specific ordinance, or as guidelines to be followed voluntarily by landowners. The type of policy (general plan, ordinance or guideline) has serious implications on the ability of county

planning staff to enforce it. For an evaluation of effectiveness of policies according to policy type see Harris and Kocher, 2002.

Each county summary also contains a listing of each policy reviewed and date of review in order to assist with future updating of the information. Contact information and along with a categorization of the amount of interaction with county planning staff occurring during this inventory is also included.

### **Statewide Policy Matrix**

A matrix was developed to summarize the status of oak woodland conservation policy implementation statewide. Counties were stratified according to their adoption of general plan, ordinance, or guidelines to conserve oaks.

No legally enforceable policies were found in about a quarter of oak woodland counties. No countywide conservation policies were identified in four counties, including Kern, Merced, Orange and Solano Counties. Voluntary guidelines applying primarily to agricultural areas only were found in six counties, including Calaveras, Colusa, Glenn, Mariposa, Shasta, and Tehama.

Legally enforceable policies applicable in some locations were found for another twelve counties that have either general plan language or implementing ordinances, but not both. Protective general plan language only was found in seven counties, including Alameda, Amador, Mendocino, Stanislaus, Tulare, Yolo, and Yuba Counties. In most of these, protections apply in specific locations only such as scenic areas or only for landmark or valley oak trees. Stanislaus County was an exception with protections applying to all discretionary projects. Two counties, Fresno and Madera, have both voluntary guidelines for agriculture and general plan protections for scenic areas or landmark trees. Two counties were found with protections only within specific ordinances, Los Angeles within a specific tree protection ordinance and Butte applicable only during subdivisions. One county, Lake, has both voluntary guidelines and an implementation ordinance that applies only to waterway zoning.

A total of nineteen counties were found to have both general plan language and implementing ordinances. Of these, fifteen counties have both general plan language and implementation ordinances that protect oaks to some extent and four also have voluntary guidelines. Contra Costa, Riverside, San Benito, San Diego, San Luis Obispo, Santa Clara, Sonoma, and Tuolumne County have general plan protections in areas limited by slope, parcel size, zone, species, or have protections that apply only to very large heritage trees. Protections apply in all zones in El Dorado, Marin, Napa, Nevada, Placer, Sacramento, San Bernardino, San Joaquin, and Ventura Counties. Policies in Monterey and Santa Barbara also apply to agricultural areas. Implementation ordinances in these nineteen counties included tree protection and woodland management ordinances as well as zoning and grading ordinances and mitigations and standards contained within land use codes.

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Purpose Personnel Oak Assistance Publications IHRMP Funded Research Other Lin

*Hardwood Rangeland Policies for California Counties*

**Oak Woodland Policies of 41 California Counties**

Current California State Board of Forestry oak conservation policy supports a statewide program of research and education known as the Integrated Hardwood Range Management Program, and provides strong encouragement to local governments to develop their own policies responsive to ecological, economic, and political issues impacting hardwood rangelands. Shown below is a table of counties with significant hardwood rangeland acreage, and the current policy approaches being used.

Overview of Project and Data Collection Methodology

County	Hardwood Rangeland (acres)	Voluntary Guidelines	General Plan Language	Implementing ordinance
<u>Alameda</u>	131,000		scenic areas only	
<u>Amador</u>	178,000		scenic areas only	
<u>Butte</u>	230,000			subdivisions only
<u>Calaveras</u>	316,000	X		
<u>Colusa</u>	149,000	X		
<u>Contra Costa</u>	81,000		discretionary projects with heritage trees	tree protection ordinance for all areas with 4 or more oaks >6.5" dbh
<u>El Dorado</u>	178,000	X	X	zoning and subdivision ordinance
<u>Fresno</u>	493,000	X	scenic areas and landmark trees	
<u>Glenn</u> • Co. Plans • Voluntary Guidelines	133,000	X		
<u>Kern</u>	721,000			
<u>Lake</u>				

<ul style="list-style-type: none"> <li>• <u>Co. Plans</u></li> <li>• <u>5-yr. Assessment</u></li> </ul>	119,000	X		waterway zoning only
<p>Los Angeles</p> <ul style="list-style-type: none"> <li>• <u>Co. Plan</u></li> <li>• <u>Oak Ordinance</u></li> </ul>	70,000			oak tree ordinance
<p>Madera</p> <ul style="list-style-type: none"> <li>• <u>Co. Plan</u></li> <li>• <u>Voluntary Guidelines</u></li> </ul>	283,000	X	landmark trees only	
<p>Marin</p> <ul style="list-style-type: none"> <li>• <u>Co. Plan</u></li> <li>• <u>Native Tree Ordinance</u></li> </ul>	62,000	X	X	tree protection ordinance (zoning)
<u>Mariposa</u>	299,000	X		
<u>Mendocino</u>	374,000		landmark trees only	
<u>Merced</u>	96,000			
<u>Monterey</u>	921,000		including agriculture	zoning ordinance
<u>Napa</u>	159,000		X	erosion hazard and municipal watershed zoning only
<u>Nevada</u>	139,000		X	within land use code and site standards
<u>Orange</u>	40,000			
<u>Placer</u>	105,000		X	tree ordinance
<u>Riverside</u>	72,000		on 1/2 parcels above 5,000' only	tree removal ordinance
<u>Sacramento</u>	23,000		X	tree preservation ordinance
<u>San Benito</u>	437,000		when removal approaches a canopy retention standard or on slopes > 30%	woodland management ordinance

San Bernardino	18,000		X	plant protection ordinance
San Diego	320,000		on 5 acre lots only	grading ordinance
San Joaquin	39,000		X	tree ordinance
San Luis Obispo • Co. Plan • Oak Mgt. Plan	724,000	X	in some zones	zoning ordinance
Santa Barbara • Co. Plan • Conscr. Element • Oak Prot. Article • Oak Grading Ordinance	345,000	X for agriculture	including agriculture	deciduous oak ordinance
Santa Clara	321,000	X for golf courses	Heritage trees and 12" trees in hillside zones	tree protection ordinance
Shasta • Co. Plan • Voluntary Guidelines	287,000	X		
Solano	45,000			
Sonoma	211,000		valley oak district only	zoning ordinance
Stanislaus	145,000		all discretionary projects	
Tehama	633,000	X		
Tulare	536,000		along scenic highway only	
Tuolumne	234,000	X	valley oak woodland only	mitigations designated in wildlife handbook
Ventura	113,000		X	both ministerial and discretionary
Yolo • Co. Plan	99,000			should adopt tree

• <u>Urban For. Plan</u>			ordinance	
<u>Yuba</u>	95,000		valley oak only	

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**Exhibit 8: References on Oak Woodland Conservation**

## Exhibit 8: References on Oak Woodland Conservation

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<http://californiaoaks.org/html/reference.html>

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**4. CONTINUE REVIEW AND COMPLETION  
GOAL 4 PROTECTION AND  
CONSERVATION OF THE ENVIRONMENT.**

**(a) 2009 Draft Three Rivers Community Plan Update Goals, Policies, and Objectives (October 2014 Track Change Version and Clean Version).**

2009 DRAFT  
THREE RIVERS COMMUNITY PLAN GOALS OBJECTIVES AND  
POLICIES 2014 UPDATE  
11-10-14

**Three Rivers Community Plan Vision**

The Three Rivers Community Plan is a statement regarding fundamental community values including a shared vision for the future of the Three Rivers Community. Three Rivers is a unique rural residential community located in the unincorporated portion of Tulare County, in the foothills of the Sierra Nevada Mountain Range with many valuable natural assets, including the Kaweah River, open space, steep terrain, natural blue oak woodland and riparian communities, and is the gateway to the Sequoia National Park. The natural resources and diverse landscape of Three Rivers contribute to the beauty, character, and recreational opportunities enjoyed and valued by the community.

Protection of the natural environment including the Kaweah River which is the heart of the community, is the most important Community asset. The Kaweah River is an essential element of the community's unique character and quality natural environment. The floodways and floodplains along the river enhance the quality of life in Three Rivers, and promote biological and habitat diversity in the community. As part of the future vision for Three Rivers, residents would like to preserve the Kaweah River as a "living river", which maintains its natural course through the community. A living river-Maintaining the Kaweah River in its natural course describes the dynamic interaction between river flow, river form, people, plants, fish and wildlife to maintain the river in the natural, healthy form. Water to support residential and commercial development in Three Rivers is limited. Any planned residential or commercial development must ensure that adequate water resources are available to support the proposed development before construction begins.

The purpose of the Three Rivers Community Plan is to preserve and protect the values, character and assets of the community, including preservation of its historical rural character and valuable natural resources while ensuring that economic growth remains vibrant and sustainable consistent with the desired character of the community. Three Rivers possesses significant historical and cultural resources that the community wishes to preserve and maintain as the area grows. One of the shared visions for Three Rivers is a community is a strong central core area with clustered commercial development which can help create a focal point or town center for the community, and can also reinforce a sense of place and community identity. The Community Plan will help to maintain a rural atmosphere, while ensuring that an appropriate type and scale of future development is provided with adequate community infrastructure while protecting natural resources, and upholding community values.

It is important to community members that Three Rivers continues to be a livable community with a diversity of housing types and commercial and civic uses. Community public facilities services are an essential part of the quality of life in Three Rivers. High quality schools and recreation facilities contribute to creating a self-sustaining, healthy community with a sense of identity and character. Transportation Management in Three Rivers is integral to maintaining the rural character of the community, as well as ensuring public safety and welfare for residents and

visitors. It is important to balance the rural character of the community with the need for adequate emergency and safety access including appropriate disaster planning and response.

Like the rugged mountains that surround them, the communities of Three Rivers and Kaweah have always included a rugged, individualistic spirit. The early pioneers, cowboys, and artisan's wanted a place to live, work, and raise their families that would foster in them an indomitable quest to pursue their dreams. That rugged, individualistic, indomitable spirit still exists today in the hearts and minds of those who live, work, and play in the foothills and mountains of Three Rivers. As a result, the Community Plan is an important tool for protecting Three Rivers' assets and guiding future growth and development. The Community Plan will provide appropriate direction to help guide public and private decisions affecting the community including provisions for the overall direction, density, type of growth and protection of the natural environment that is consistent with the needs and desires of the Three Rivers Community to maintain its rural character.

### **Three Rivers Community Plan Vision Statements**

Protect and Preserve Oak, Sycamore and Cottonwood Woodlands

Preserve Visual Resources, Including Viewsheds and Ridgelines.

Preserve Historical, Cultural and Archaeological Resources Including the Kaweah Post Office, Historical Bridges, and Cultural Native American Resources.

Provide Land Uses Consistent Community Character including an Urban Development Boundary (UDB) that is contiguous with the existing Planning Area Boundary.

Create a Town Center or centers with a Concentration of Commercial, Retail and Social Uses to Help Strengthen Three Rivers as a Livable Community.

Ensure adequate land use supplies for residential, commercial, industrial and public uses to accommodate future growth and ensure the community's economic viability.

Manage growth.

Ensure compatibility between land use types and intensities.

Encourage a diversity of housing options for all Three Rivers residents, including affordable housing for families, seniors, and National Park Service employees.

Ensure that future development is compatible with existing development and the natural environment

Establish rural compatibility standards

Establish Standards for signage which balances practical business considerations with community design standards.

Development of Noise Standards Reflective of a Foothill and Canyon Community Environment.

Vegetation standards.

Establish Setback standards for residential development.

Establish Streetscape guidelines for roadways, paths and sidewalks.

Establish Standards for fences

Apply Rural Compatibility Standards through the County Project Review Committee process.

Develop a Traffic Circulation Plan with management strategies and improvements to increase safety and community access.

Establish Lighting Standards for Night Sky Conservation and Protection.

## **County of Tulare General Plan Framework**

### **Value Statements**

1. The beauty of the County and the health and safety of its residents will be protected and enhanced.
2. The County will create and facilitate opportunities to improve the lives of all County residents.
3. The County will protect its agricultural economy while diversifying employment opportunities.
4. Every community will have the opportunity to prosper from economic growth.
5. Growth will pay its own way providing sustainable, high quality infrastructure and services.

### **Framework Concepts**

#### **Concept 1: Agriculture**

One of the most identified assets in Tulare County is the rich agricultural land on the valley floor and in the foothills. The General Plan identifies agriculture not only as an economic asset to the County but also as a cultural, scenic, and environmental element to be protected and to insure that the utilization of these resources may continue to economically succeed.

#### **Concept 2: Land Use**

Tulare County has a number of unincorporated communities that will grow and develop and natural resource lands (agriculture, mineral extraction, and open space) that will be preserved and permitted to expand. It is anticipated that much of the projected population growth will require a range of housing choices, neighborhood support services, and employment producing uses that are centrally located in cities and unincorporated communities. The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses.

#### **Concept 3: Scenic Landscapes**

The scenic landscapes in Tulare County will continue to be one of its most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent.

#### **Concept 4: Natural and Cultural Resources**

As Tulare County develops its unincorporated communities, the County will ensure that development occurs in a manner that limits impacts to natural and cultural resources through the implementation of its Goals and Policies and through proper site planning and design techniques.

### **Guiding Principles**

#### **Principle 1: Opportunities**

Provide opportunities for small unincorporated communities to grow or improve quality of life and their economic viability.

#### **Principle 2: Reinvestment**

Promote reinvestment in existing unincorporated communities in a way that enhances the quality of life and their economic viability in these locations.

#### **Principle 3: Protection of Resources**

Protect the County's important agricultural resources and scenic natural lands from urban encroachment through the implementation of Goals and Policies of the General Plan.

#### **Principle 4: Limit Rural Residential Development**

Strictly limit rural residential development potential in important agricultural areas outside of unincorporated communities, hamlets, and city UDBs, UDBs (i.e., avoid rural residential sprawl).

#### **Principle 5: Agricultural Facilities**

Allow existing and outdated agricultural facilities in rural areas to be retrofitted and used for new agricultural related businesses (including non-agricultural uses) if they provide employment.

#### **Principle 6: Planning Coordination and Cooperation**

Enhance planning coordination and cooperation with the agencies and organizations with land management responsibilities in and adjacent to Tulare County.

### **Three Rivers Community Vision**

~~Protection of the Natural Environment including the Kaweah River which is the heart of the community, and the most important Community asset.~~

~~Protect and Preserve Oak-Sycamore and Cottonwood Woodlands~~

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Apply Rural Compatibility Standards through the County Project Review Committee process.

Develop a Traffic Circulation Plan with management strategies and improvements to increase safety and community access.

### **GOAL 1: COMPATIBLE DEVELOPMENT**

Maintain the Rural Gateway Character of Three Rivers through land uses and new development that are compatible and consistent with the existing development in Three Rivers, preserve the unique visual and community character natural environment and create a distinct sense of place. Land uses and new development that are compatible and consistent with the existing development in Three Rivers, and preserve the unique visual and community character, and natural environment.

### **GOAL 2: APPROPRIATE DENSITIES**

Development patterns and densities that are appropriate and consistent with the capacity of public services and the natural environment.

### **GOAL 3: ECONOMIC VITALITY**

A strong, diversified economic environment within Three Rivers which consistent with the rural and visual atmosphere of the community. A strong, diversified economic environment within Three Rivers which enhances the rural atmosphere of the community.

**GOAL 43: DIVERSE HOUSING OPTIONS**

A diversity of affordable and safe housing options for all Three Rivers residents, including families, seniors, and National Park Service employees.

**GOAL 54: PROTECTION AND CONSERVATION OF THE ENVIRONMENT**

Land use patterns and design solutions which protect and conserve the environmental quality and natural beauty in Three Rivers.

**GOAL 65: PROVIDE PUBLIC SERVICES AND COMMUNITY FACILITIES TO THE COMMUNITY**

High quality public services and community facilities to serve the existing and future needs of Three Rivers.

**GOAL 76: FOSTER SAFE AND ACCESSABLE TRANSPORTATION/CIRCULATION SYSTEM**

A safe and accessible transportation and circulation system in Three Rivers that enhances the character of the community.

**GOAL 87: PROVIDE ADEQUATE EMERGENCY AND SAFETY ACCESS**

Adequate emergency and safety access to all development in Three Rivers.

**GOAL 98: ENHANCE COMMUNITY CHARACTER**

Enhancing attributes in a community to make it unique, both in terms of the built and natural environment and its population.

**GOAL 109: PROVIDE SAFE AND SECURE ENVIRONMENT**

The health and safety of its residents will be protected and enhanced.

**GOAL 1: COMPATIBLE DEVELOPMENT**

*Maintain the Rural Gateway Character of Three Rivers through ~~L~~and uses and new development that are compatible and consistent with the existing development in Three Rivers, ~~and~~ preserve the unique visual and community character; ~~and~~ natural environment and create a distinct sense of place.*

**Objective 1.1 Development Compatibility:** Ensure compliance with the Community Plan to ensure compatibility between and within new and existing development. This includes new public or private development, such as buildings and infrastructure, which is harmonious with natural features and historic structures. Visual resources include agricultural lands, woodlands, forestlands, watercourses, mountains, meadows, structures, communities, and other

types of scenery that contribute to the visual beauty of <u>Tulare County the Three Rivers Community</u> .	
Policies	Implementation Mechanism (Numbers refer to descriptions of mechanisms, which follow table)
<p><b>1.1.1</b> Ensure that new residential development is compatible with the character of the community through the enforcement of rural <del>subdivision</del>-standards and guidelines.</p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Review</li> </ul>
<p><b>1.1.2</b> <u>Ensure that development to accommodate growth includes a balanced mix of residential, commercial and public uses that enhance the community's economic vitality while maintaining its rural character and quality of life. Ensure that new residential development is compatible with the character and scale of existing residential development.</u></p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.3</b> Limit commercial or recreational uses that generate negative impacts, such as noise, lighting, traffic, odors and emissions in residential <u>and rural residential</u> neighborhoods.</p> <p><u>(a) The height, size, mass, scale, and design of new development shall be consistent in size, and compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow natural contours of the landscape and clustered in the most accessible, least visually prominent and most geologically stable portion or portions of a site. Structures will be sited so as not to obstruct significant views.</u></p> <p><u>(b) Implement a development height standard, based on the existing building code, with maximum building height not to exceed 35' as identified in the FGMP page 41).</u></p> <p><u>The following general provisions are recommended:</u></p> <p><u>(a). Distance: to be determined based on the following factors:</u></p> <p><u>(b). Stabilization of edge condition,</u></p> <p><u>(c). Types of operation,</u></p> <p><u>(d). Types of land uses (i.e. schools, etc.)</u></p> <p><u>(e). Building orientation,</u></p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p>(f). <u>Planting of trees for screening.</u></p> <p>(g). <u>Location of existing and future rights-of-way.</u></p> <p>(h). <u>Types of uses allowed inside the project area.</u></p> <p>(i). <u>Unique site conditions.</u></p> <p>(j). <u>Responsibility for maintenance.</u></p> <p>(k). <u>Scale of development.</u></p>	
<p>1.1.4 Encourage compatible commercial establishments necessary to serve residents and tourists that are <u>commensurate with the scale and intensity of the community, preserve the environment, and which do not have to the extent feasible, significant traffic, light, noise or visual impacts to the community. compatible with existing development and preserve the natural environment.</u></p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p>1.1.5 Cluster commercial uses in compact areas and development patterns to discourage strip development <u>and encourage the development of a Town Center or Centers.</u></p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> <li>▪ Design/Dev. Tools</li> </ul>
<p>1.1.6 Protect land uses adjacent to State Highway 198 from noise impacts by requiring adequate landscape screening and buffering.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> </ul>
<p>1.1.7 Require adequate buffers (setback, side and rear yards, landscaping and screening) between commercial and/or industrial development and residential areas.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p>1.1.8 Increase the opportunities for public involvement and participation for planning and development processes in Three Rivers.</p> <p style="padding-left: 40px;"><del>a. Increase the public notice radius for development projects to 3 adjacent parcels to the development site or 300 feet, whichever is greater.</del></p> <p style="padding-left: 40px;"><u>a. <del>Post Publish</del> public notices for development projects in Three</u></p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> </ul>

	<p>Rivers in a public, visible location <u>including a legally recognized local community newspaper of general circulation.</u></p> <p>b. <u>Facilitation of local community input process through the Three Rivers Village Foundation Town Hall Meetings.</u></p>	
<p><b>1.1.9</b> LU-1.3 Prevent Incompatible Uses</p>	<p>The County shall discourage the intrusion into existing <u>urban residential and rural residential</u> areas of new incompatible land uses that produce significant noise, odors, or fumes.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.10</b> LU-3.8 Rural Residential Interface</p>	<p>The County shall minimize potential land use conflicts at the interface between <u>urban-commercial, industrial, or medium to high density residential-development residential development</u> and existing developed rural-residential areas.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.11</b> LU-6.2 Buffers</p>	<p>The County shall ensure that residential and other non-compatible land uses are separated and buffered from major public facilities such as landfills, airports, and sewage treatment plants.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.12</b> LU-4.5 Commercial Building Design</p>	<p>The County shall encourage that new commercial development is consistent with the existing design of the surrounding community or neighborhood by encouraging similar façades, proportionate scale, parking, landscaping, and lighting <u>that provides for night sky conservation and protection.</u></p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.13</b> LU-7.4 Streetscape Continuity <u>in Town Centers</u></p>	<p>The County shall ensure that streetscape elements <u>in Town Centers</u> (e.g., street signs, trees, and furniture) maintain visual continuity and follow a common image for each community <u>including incorporating walkable community concepts and context sensitive standards.</u></p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.14</b> LU-7.12 Historic Buildings and Areas</p>	<p>The County shall encourage preservation of buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas. Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired where ever feasible.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p><b>1.1.15 LU-7.14 Contextual and Compatible Design</b>  The County shall ensure that new development respects <del>Tulare</del> <u>County's Three River's long</u> heritage by requiring that development respond to its context, be compatible with the traditions and character of <del>each the</del> community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.</p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>s.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>Objective 1.2 Rural Gateway Character: Maintain <u>and balance the existing natural environment with</u> the rural gateway character of Three Rivers.</b></p>	
<p><b>1.2.1</b> Ensure that the size, type, and scale of new development in Three Rivers is compatible with the rural character of the community.</p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>s.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.2</b> Encourage visitor serving uses which are low intensity, and which do not have negative traffic, noise or visual impacts to the community.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.3 SL-2.2 Gateways to the Sequoias</b>  The County shall ensure that the “gateway highways” (State Highway <del>190 and State Highway</del> 198) to the Sequoias feature the County’s unique history and scenery by:</p> <ol style="list-style-type: none"> <li>a. Maintaining the rural character of roadway rights-of-ways, highway signage, and related roadway and structure design,</li> <li>b. Protecting primary viewsheds from development,</li> <li>c. Prohibiting development of highway commercial projects that do not respond to their physical or cultural context, and</li> <li>d. Featuring the community centers/main streets of the gateway <del>communities community</del> of Three Rivers, <del>and Springville</del>.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>s.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.4 LU-7.10 Gateways/Entry-points</b>  The County shall identify key entry points on the edges of the communities and support programs and projects that enhance gateways and transitional zones between communities to make each community more distinctive and inviting for residents and visitors.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map Development Regulations (Zoning)</li> </ul>
<p><b>1.2.5 LU-7.2 Integrate Natural Features</b>  The County shall emphasize each community’s natural features as the visual framework for new development and redevelopment.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> </ul>

		Development Regulations (Zoning)
<del>1.2.6</del> LU-7.4 <del>Street</del> scape Continuity The County shall ensure that streetscape elements (e.g., street signs, trees, and furniture) maintain visual continuity and follow a common image for each community.		<del>Development Review</del> <del>CEQA Review</del> Development Regulations (Zoning)
<del>1.2.7</del> LU-7.9 Visual Access The County shall require new development to maintain visual access to views of hillsides, creeks, and other distinctive natural areas by regulating building orientation, height, and bulk.		<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<del>1.2.8</del> LU-7.6 Screening The County shall require landscaping to adequately screen new industrial uses to minimize visual impacts.		<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<del>1.2.9</del> LU-5.3 Storage Screening The County shall require adequate landscaping and screening of industrial storage areas to minimize visual impacts and enhance the quality of the environment.		<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<del>1.2.10</del> LU-2.3 Open Space Character The County shall require that all new development requiring a County discretionary approval, including parcel and subdivision maps, be planned and designed to maintain the scenic open space character of open space resources including, but not limited to, agricultural areas, rangeland, riparian areas, etc., within the view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons.		<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<del>1.2.11</del> <del>10</del> SL-1.1 Natural Landscapes During review of discretionary approvals, including parcel and subdivision maps, the County shall as appropriate, require new development to not significantly impact or block views of Tulare County’s natural landscapes. To this end, the County may require new development to: a. Be sited to minimize obstruction of views from public lands and rights-of-ways, b. Be designed to reduce visual prominence by keeping development below ridge lines, using regionally familiar architectural forms, materials, and colors that blend structures into the landscape, c. Screen parking areas from view,		<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p>d. Include landscaping that screens the development,</p> <p>e. Limit the impact of new roadways and grading on natural settings, and</p> <p>f. Include signage that is compatible and in character with the location and building design.</p>	
<p><b>1.2.12-11</b> SL-1.3 Watercourses The County shall protect visual access to, and the character of, Tulare County’s scenic rivers, lakes, and irrigation canals by:</p> <p>a. Locating and designing new development to minimize visual impacts and obstruction of views of scenic watercourses from public lands and right-of-ways, and</p> <p>b. Maintaining the rural and natural character of landscape viewed from trails and watercourses used for public recreation.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.13-12</b> SL-3.2 <u>Urban-Community</u> Expansion–Edges The County shall design and plan the edges and interface of communities with working and natural landscapes to protect their scenic qualities by:</p> <p>a. Maintaining <u>urban</u>-separators between cities and communities,</p> <p>b. Encouraging cities to master plan mixed-density neighborhoods at their edges, locating compatible lower density uses adjacent to working and natural landscapes, and</p> <p>c. Protecting important natural, cultural, and scenic resources located within areas that may be <u>urbanized-developed</u> in the future.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.14-13</b> SL-3.3 Highway Commercial The County shall require highway commercial uses to be located and designed to reduce their visual impact on the travel experience along State scenic highways and County scenic routes by:</p> <p>a. Encouraging commercial development to locate in existing communities and hamlets,</p> <p>b. Designing highway commercial areas as an extension of community street patterns and vernacular design traditions, allowing the individual personalities of each community to extend to the highway edge, and</p> <p>c. Discouraging development of frontage roads consistent with commercial strips except when consistent with regional growth corridor and community plans.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.15-14</b> ERM-5.19 Interagency Cooperation The County shall cooperate with Federal land management agencies including the National Park Service to develop and promote the establishment of Three Rivers <u>and Springville</u> as a gateway</p>	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Design Guidelines</li> </ul>

<p><del>communities</del> <u>community</u> including enhanced web site interaction to provide easy access and quality information.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.16–15</b> Encourage proactive sharing of relevant information between Sequoia National Park, the County, and the Three Rivers Village Foundation.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.17-16</b> Encourage regular meetings between the National Park Service, key decision makers, and the Three Rivers Village Foundation to advise of current or upcoming activities or changing priorities.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.18-17</b> FGMP-1.5 Preserving Visual Resources The County shall encourage new development be designed in a manner that preserves the visual quality of the foothill setting by encouraging the use of curvilinear streets, vegetation reestablishment on cuts and fills, cluster development, and housing site locations that <u>to the extent feasible for new development that causes a significant impact to the skyline and scenic panorama to blend into the landscape rather than becoming a focal point given reasonably available and feasible mitigation measures</u> .-</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.19–18</b> FGMP-6.1 Preservation of Scenic Highways The County shall ensure that the visual qualities of State Highways <del>190 and</del> 198 and County scenic routes are maintained and protected against obtrusive development improvements.</p>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p><b>1.2.20-19</b> FGMP-6.4 Development Within Scenic Corridors The County shall require that projects located within a scenic corridor be designed in a manner, which does not detract from the visual amenities of that thoroughfare. The County shall support through the use <del>if of</del> its authority and police powers, the design of infrastructure that minimizes visual impacts to surrounding areas by locating roadways in areas that minimize the visual impact on rural and natural places whenever feasible.</p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.2.21-20</b> FGMP-6.5 Cluster Development The County shall encourage projects proposed on lands within a scenic corridor with a non-agricultural or non-open space land use designation, to use a cluster development concept. Appropriate land uses for the open space areas shall include, but will not be limited to, public or private open space, wildlife habitat or agriculture.</p>	<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>

**Objective 1.3 Rural Development Standards:** Establish and implement standards for rural development which incorporate the rural standards of the community.

<b>Policies</b>	<b>Implementation Mechanism</b>  (Numbers refer to descriptions of mechanisms, which follow table)
<p><b>1.3.1</b> Require the <u>County Project Review Committee</u> for all new development in Three Rivers.</p> <p>a. <u>Unless otherwise specified in this Community Plan, apply Foothill Growth Management Plan standards to the extent feasible as determined to be reasonable and appropriate by the affected decision makers. Apply rural compatibility standards through the Project Review Committee process.</u></p>	<ul style="list-style-type: none"> <li>▪ Foothill Growth Management Plan</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>1.3.2</b> Ensure that development proposals conform to all development standards and guidelines: <u>to the extent feasible as determined to be reasonable and appropriate by the affected decision makers.</u></p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ Development <del>Standards</del>.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

<p><b>1.3.3</b> Apply the noise standards found in the Tulare County Health and Safety Element (Part 1 Section 10.8). Utilize recommendations included in the community plan EIR to address and develop <u>feasible</u> noise standards <u>to the extent feasible</u> reflective of a foothill <del>and</del> canyon <del>community</del> environment.</p>	<ul style="list-style-type: none"> <li>▪ Noise Element</li> </ul>
<p><b>1.3.4</b> Require adequate setbacks for residential, commercial and industrial uses, including, side and rear yards, landscaping and screening, as determined by the <u>County Project Review Committee</u>.</p> <p>a. Increase the required front and side yard setbacks for new development.</p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development <del>Standards</del>s.</li> <li>▪ Overlay Zone</li> </ul>
<p><b>1.3.5</b> Require standards for signage in Three Rivers, including regulations for: size, height, scale, color, lighting, and material. Incorporate Caltrans signage standards with community standards, as they apply to Highway 198.</p> <p>a. Balance <del>practical-reasonable</del> business considerations with community design standards <u>that are feasible to direct persons within appropriate sight distances that will determine, size, height, and bulk</u>.</p> <p>b. Prohibit the use of exterior neon or blinking signs and source lit signs.</p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development <del>Standards</del>s.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>1.3.6</b> Establish lighting standards and guidelines to minimize light pollution, glare, and light trespass and to protect the dark skies in Three Rivers.</p> <p>a. Require outdoor light fixtures on public and private property to be fully shielded.</p> <p>b. Externally illuminated signs, displays, and building identification shall use top mounted light fixtures which shine light downward and <del>which</del> are fully shielded.</p> <p>c. Require motion sensors for security purposes, rather than intrusive security lights.</p> <p>d. Require that lights are pointed in a downward direction, and are turned off when not in use <u>or if the business is not open</u>.</p> <p><u>e.</u> Restrict the use of commercial lights during nighttime hours to indirect, non-glaring lighting.</p> <p><u>e-f.</u> <u>Consider the International Dark Sky Association Model Ordinance to establish lighting standards and guidelines to minimize light pollution, glare, and light trespass.</u></p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development <del>Standards</del>s.</li> <li>▪ Development Regulations (Building Code)</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

<p><b>1.3.7</b> Establish vegetation standards for residential and commercial development, and encourage the use of native vegetation in landscaping, when visible to common roadways.</p> <ol style="list-style-type: none"> <li>Encourage the use of drought resistant vegetation.</li> <li>Minimize the disturbance of existing vegetation.</li> <li>Prohibit the use of non-invasive plant species.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development <del>Standards</del>.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>1.3.8</b> Establish <u>rural walkable communities’ streetscape</u>-guidelines <u>to maintain the rural character</u> for roadways, paths, and sidewalks to ensure that they are compatible with the natural environment and scenic resources.</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design Guidelines</li> <li>▪ Development <del>Standards</del>.</li> <li>▪ Development Review</li> </ul>

<p><b>1.3.9</b> Establish standards for fences and other similar structures to ensure that they are aesthetically pleasing, and compatible with the character of the neighborhood.</p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development <del>Standards</del>.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>1.3.10</b> Implement a residential development height standard of 35 feet, based on the existing policies of the FGMP.</p>	<ul style="list-style-type: none"> <li>▪ Foothill Growth Management Plan</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>1.3.11</b> Implement the standards of the Scenic Corridor Zoning Provision.</p>	<ul style="list-style-type: none"> <li>▪ Scenic Corridor Designation</li> </ul>
<p><b>1.23.12</b> FGMP-6.3 Development Along Scenic Highways The County shall require that development along all scenic highways and routes meet the development standards of the FGMP.</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development <del>Standards</del>.</li> </ul>
<p><b>1.23.13</b> SL-4.1 Design of Highways</p> <p>The County shall work with Caltrans and Tulare County Association of Governments (TCAG) to ensure that the design of State Highway <del>99-198 and other State Highways</del> protects scenic resources and provides access to vistas of working and natural landscapes by:</p> <ol style="list-style-type: none"> <li>Limiting the construction of sound walls that block views of the County’s landscapes (incorporate setbacks to sensitive land uses to avoid noise impacts whenever feasible),</li> <li>Using regionally-appropriate trees and landscaping and incorporating existing landmark trees,</li> <li>Preserving historic and cultural places and vistas,</li> <li>Avoiding excessive cut and fill for roadways along State scenic highways and County scenic routes, and along areas</li> </ol>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development <del>Standards</del>.</li> </ul>

	<p>exposed to a large viewing area, and</p> <p>e. Promote highway safety by identifying appropriate areas for traffic pull-outs and rest areas.</p>	
	<p><b>1.23.14 SL-4.2 Design of County Roads</b>  The County’s reinvestment in <del>rural</del> County roads <u>in the Three Rivers UDB outside urban areas</u> should, in addition to meeting functional needs and safety needs, preserve the experience of traveling on the County’s “country roads” by:</p> <p>a. Maintaining narrow as possible rights-of-ways,  b. Limiting the amount of curbs, paved shoulders, and other “urban” edge improvements,  c. Preserving historic bridges and signage, and  d. Promote County road safety by identifying appropriate areas for traffic pull-out.</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development <u>Standards</u>.</li> </ul>
	<p><b>1.3.15 PF-2.7 Improvement Standards in Communities</b>  The County shall require development within the designated UDBs to meet <del>an urban</del> standards for improvements <u>as determined reasonable and appropriate by requiring that development respond to its context, be compatible with the traditions and character of the community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.</u> Typical improvements <del>shall</del> <u>may</u> include <u>infrastructure such as streets, curbs, gutters, sidewalks,</u> and community <u>sewerwastewater</u> and water systems <u>as determined to the extent feasible to be reasonable and appropriate by the affected decision makers.</u></p>	<ul style="list-style-type: none"> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development <u>Standards</u>.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
	<p><b>1.23.16 LU-1.7 Development on Slopes</b>  The County shall require a preliminary soils report for development projects in areas with shallow or unstable soils or slopes in excess of 15 percent. If the preliminary soil report indicates soil conditions could be unstable, a detailed geologic/hydrologic report by a registered geologist, civil engineer, or engineering geologist shall be required demonstrating the suitability of any proposed or additional development.</p>	<ul style="list-style-type: none"> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development <u>Standards</u>.</li> </ul>
<p><b>Objective 1.4 Quality Office, Commercial and Light Industrial Development:</b> Establish and apply development and design standards to ensure quality professional office, commercial, and light, non-polluting industrial development.</p>		
	<p><b>1.4.1</b> Design professional office, commercial and light, non-polluting, industrial developments to minimize adverse traffic impacts to residential areas.</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development</li> </ul>

		<del>Standards</del> .
<b>1.4.2</b> Require office, commercial, and light industrial development to provide a naturally planted buffer strip, including shade trees, to separate the structures and the parking areas from State Highway 198.		<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<b>1.4.3</b> Establish landscaping, <del>signage requirements</del> , screening, and visual standards for commercial and industrial uses along Highway 198.		<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> </ul>
<b>1.4.4</b> Require automobile storage yards and commercial and multi-family trash bins to be screened from view.		<ul style="list-style-type: none"> <li>▪ Development Regulations (Building code)</li> <li>▪ Development Standards</li> </ul>
<b>1.4.5</b> No new commercial resort development proposal which either exceed 40 acres in area or 100 guest rooms shall be allowed without approval of a Planned Unit Development pursuant to Section 18.6, Subsection G of the Tulare County Zoning Ordinance has been secured. (GPA 94-003)		<ul style="list-style-type: none"> <li>▪ PUD</li> </ul>
<b>1.4.6</b> Encourage mixed-use project review under the Planned Unit Development procedure instead of the conventional procedure in order to further achieve and promote the goals, objectives, and policies of this plan.		<ul style="list-style-type: none"> <li>▪ PUD</li> </ul>
<b>1.4.7 AQ-1.4 Air Quality Land Use Compatibility</b> The County shall evaluate the compatibility of industrial or other developments which are likely to cause undesirable air pollution with regard to proximity to sensitive land uses, and wind direction and circulation in an effort to alleviate effects upon sensitive receptors.		<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b>1.4.8 HS-8.8 Adjacent Uses</b> The County shall not permit development of new industrial, commercial, or other noise-generating land uses if resulting noise levels will exceed 60 dB Ldn (or CNEL) at the boundary of areas designated and zoned for residential or other noise-sensitive uses, unless it is determined to be necessary to promote the public health, safety and welfare of the County.		<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b>1.4.9 LU-5.6 Industrial Use Buffer</b> Unless mitigated, the County shall prohibit <del>new heavy</del> -industrial uses <del>to within</del> a minimum of 500 feet from schools, hospitals, or populated residential areas (more than 10 dwelling units within a quarter mile diameter area). The buffer area may be used for activities not creating impacts to adjoining sensitive land uses		<ul style="list-style-type: none"> <li>▪ Development <del>Standards</del>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

<p>for uses accessory to the heavy industrial use. The establishment of a buffer may not be required when mitigated or may not apply to industrial uses that do not impact adjoining uses identified herein. The buffer area shall be landscaped and maintained. <u>Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3), there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only with an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), and not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the M-1 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County.</u></p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> </ul>

An Urban Area-Development Boundary (UDB) will direct future growth to areas that are appropriate and have the carrying capacity to support development. The UDB will be based on existing development, available land, and environmental and infrastructure constraints. Growth and development shall not occur outside of the growth boundary except as permitted by the Foothill Growth Management Plan (FGMP), and land outside of the UDB will be maintained subject to the policies of the Foothill Growth Management Plan.

<p><b>Objective 1.5 Urban <u>Area-Development</u> Boundary:</b> Establish an Urban Development Boundary (UDB) that is contiguous with the existing Planning Area Boundary.</p>	
<p><b>1.5.1</b> Consider areas within the UDB for future development, with growth directed to specific areas, such as a Town Center.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ UDB</li> </ul>
<p><b>1.5.2</b> Conduct development suitability analyses to determine areas within the UDB that are most suitable for future development.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>1.5.3</b> Require that development densities within the UDB are consistent with the adopted Community Plan.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> </ul>

<p><b>1.5.4</b> Encourage the application of the Foothill Growth Management Plan (FGMP) policies to areas adjacent to Three Rivers that are outside of the UDB.</p>	<ul style="list-style-type: none"> <li>▪ Foothill Growth Management Plan (FGMP)</li> </ul>
<p><b>1.5.5</b> Prohibit extension of public services outside of the UDB.</p>	<ul style="list-style-type: none"> <li>▪ Extension of Public Services</li> </ul>
<p><b>1.5.6</b> Establish a review of the UDB every five years.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Implementation</li> </ul>
<p><b>1.5.7</b> PF-2.2 Modification of Community UDB</p> <p>1. The County may consider modification to a community UDB under any of, but not limited to the following circumstances:</p> <p>a. The location of the UDB shall be evaluated during preparation or update of a community plan.</p> <p>b. All community UDBs should be reviewed on a five-year cycle to reflect changes in growth and development patterns.</p> <p>c. A request for expansion of the UDB boundary can be applied for as part of a General Plan Amendment to the Land Use Diagram.</p> <p>d. At the request of a special district or the community.</p> <p>e. A UDB should be considered for expansion at such time as land for infill becomes limited. This condition is considered satisfied when 80 percent of the non-Williamson Act land within the UDB is developed for <u>urban-community</u> uses.</p> <p>f. UDBs should not be expanded onto Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for expansion.</p> <p>2. Prior to approval of a UDB boundary expansion, the County shall ensure that infrastructure can be provided to serve the new areas added to the UDB and that sufficient water supplies are also available. This may require preparation of an infrastructure master plan that includes methods of financing of improvements and maintenance, as well as representation/documentation of availability and sufficiency of long-term water supplies.</p> <p>3. Preservation of productive agricultural lands shall be the highest priority when considering modifications. Expansion of a UDB to include additional agricultural land shall only be allowed when other non-agricultural lands are not reasonably available to the community or are not suitable for expansion.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Implementation</li> </ul>
<p><b>1.5.8</b> PF-2.8 Inappropriate Land Use</p> <p>Areas within UDBs are hereby set aside for those types of <u>urban community</u> land uses which benefit from urban <u>type</u> services. Permanent uses which do not benefit from such urban <u>type</u> services shall be discouraged within the UDBs. This is not intended to apply to agricultural or agricultural supported uses, including the cultivation of land or other uses accessory to the cultivation of land, provided that such accessory uses are time-limited through special use permit procedures.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>

One of the shared visions for Three Rivers is a community with a strong central core area with clustered commercial development. Concentrated or clustered commercial development serves several purposes. A concentration of commercial development can help create a focal point or town center for the community, and can also reinforce a sense of place and community identity.

Community residents have a desire for a central area that can serve as a formal gathering place for civic events, as well as an informal gathering space where residents and visitors can shop, eat, and socialize. A concentrated commercial development in the center of the community can provide this space

Directing the commercial development to a central area will help to limit scattered development in areas that are not appropriate for that scale and intensity of development. Clustered commercial development may also help to reduce traffic impacts throughout the community.

<b>Objective 1.6 Town Center:</b> Create a Town Center in the community with a concentration of commercial, retail and social services to help strengthen Three Rivers as a livable community.	
<b>1.6.1</b> Designate a “Town Center” and –or “Town Center “sites in Three Rivers as a potential future town center for the community.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> </ul>
<b>1.6.2</b> Develop a Specific Plan for the Town Center to ensure the appropriate mix of uses for this area of Three Rivers and a high quality development.	<ul style="list-style-type: none"> <li>▪ Specific Plan</li> </ul>
<b>1.6.3</b> Require commercial clustering adjacent to the existing Highway 198 commercial corridor and in the Town Center.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Development Tools</li> </ul>
<b>1.6.4</b> Encourage mixed-use development in the Town Center. <ul style="list-style-type: none"> <li>a. Establish a mixed-use land use designation and zone.</li> <li>b. Integrate new high density residential uses with planned commercial areas in the Town Center.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Development Tools</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b>1.6.5 SL-3.1 Community Centers and Neighborhoods</b> The County shall support investments in unincorporated communities to improve the image, quality of <del>urban</del> -infrastructure, amenities, and visual character by: <ul style="list-style-type: none"> <li>a. Encouraging restoration of existing historic buildings and developing new buildings that reflect the local culture and climate,</li> <li>b. Creating or enhancing overall community design frameworks with a hierarchy of connected block and street patterns, open spaces, town centers, neighborhoods, and civic facilities,</li> <li>c. Reducing the need for sound-walls and gated neighborhoods by having residential and non-residential uses interface along streets and open spaces (not adjoining property lines) and locating residential uses on local-serving streets,</li> <li>d. Planning residential development as interconnected neighborhoods with definable social and physical centers that incorporate parks, schools, and commercial services,</li> </ul>	<ul style="list-style-type: none"> <li>▪ Development <u>Standards</u>.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ Development Regulations (Zoning)</li> </ul>

e. Enhancing the comfort and scenic experience of transit riders, cyclists, and pedestrians, and	
f. Developing open spaces, streets, and pedestrian facilities that include landscaping and streetscaping that improve the image of the community and make it a more comfortable pedestrian environment.	

**GOAL 2: APPROPRIATE DENSITIES**

*Development patterns and densities that are appropriate and consistent with the capacity of public services and the natural environment.*

**Objective 21.1-7 Appropriate Densities-Capacity of Natural Environment:** Encourage development patterns and densities that are based on the capacity of the natural environment.

Policies	Implementation Mechanism (Numbers refer to descriptions of mechanisms, which follow table)
<b>21.17.1</b> Base residential densities <u>and intensity</u> on development suitability analysis of the natural environment, including <u>but not limited to</u> : soil suitability, riparian setback requirements, slope gradient, and viewshed analysis.	<ul style="list-style-type: none"> <li>▪ Natural Resource Mapping</li> </ul>
<b>21.17.2</b> Base density regulations on suitability of the soils to provide for proper disposal of septic tank effluent and the land's <u>ability capacity</u> to provide water.	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> </ul>
<b>21.17.3</b> Encourage <del>large lot</del> single-family developments <u>and planned cluster residential developments</u> to conserve and protect open space, habitat areas, viewsheds, and natural resources from development disturbances.	<ul style="list-style-type: none"> <li>▪ Natural Resource Mapping</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

**Objective 21.2-8 Utilization of Existing Roads and Public Facilities:** Encourage development patterns intensity and densities that will efficiently utilize existing public services within the Three Rivers UDB.

<b>21.28.1</b> Require existing and new large-scale developments or subdivisions within the Community Services District to sponsor their share of certain needed public services. New development shall apply for water and <u>sewerwastewater</u> services <u>as reasonable, feasible and appropriate</u> , and these services shall be provided on a service area basis as applicable under jurisdictional authority, <u>ie -(Mutual Water Company, County Service Area, or Improvement District under the auspices of the Community Services District)-basis</u> .	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> </ul>
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	<p>a. Require that engineered disposal systems for new residential, commercial and light industrial development are consistent with the standards of the State Water Quality Control Board, the Tulare County Health Department and Three Rivers Community Services District and be approved by the necessary authorities with respect to the protection of all existing waterways, including but not limited to seasonal and perennial creeks, manmade ditches, and ponds greater than 30' in diameter.</p>	
	<p><b>21.28.2</b> Ensure that new development shall not exceed the maximum physical holding capacity of the parcel <u>consistent with health and safety requirements</u>.</p>	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> </ul>
	<p><b>21.28.3</b> Require sufficient lot area for all new residential development to ensure an adequate area for on-site sewage disposal.</p> <p>a. For properties within the CSD, encourage CSD staff to inspect all new septic system installations.</p> <p>b. Require property owners to repair or replace failing septic systems and require property owners to properly maintain their separate systems.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning and Subdivision Ordinance)</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<p><b>21.28.4</b> Through development review, ensure that utilities are adequately sized to accommodate proposed development.</p>	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> <li>▪ Maintenance Controls</li> <li>▪ Development Review</li> </ul>

~~In preparing a plan for the future of Three Rivers, the community is ensuring that adequate land will be available for future uses. It is necessary to provide adequate land supplies for residential, commercial, industrial, and public uses to allow for future growth and development. One of the main challenges in planning for the future of Three Rivers is to provide adequate land use supplies, while balancing the open space and agricultural land uses which serve to define the community.~~

**GOAL 32: ECONOMIC VITALITY**

A strong, diversified economic environment within Three Rivers which enhances consistent with the rural and visual atmosphere of the community.

**Objective 32.1 Adequate Land Use Supplies:** Ensure adequate land use supplies for residential, commercial, industrial, and public uses to accommodate future growth within the UDB and constrained by development suitability analysis to ensure the community's economic vitality.

	<p><b>Policies</b></p>	<p style="text-align: center;"><b>Implementation Mechanism</b></p> <p>(Numbers refer to descriptions of mechanisms, which follow</p>
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	table)
<p><del>32.1.1</del> Accommodate light industrial development <del>which is non-polluting and</del> which does not create nuisance conditions, <del>and which are totally enclosed or adequately screened from view.</del> Light industrial uses shall be totally enclosed or adequately screened from view.</p>	<p>CEQA Review</p> <ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><del>32.1.2</del> Encourage a mixed use community commercial shopping area and higher density residential development in the “Town Center” area in Three Rivers.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Dev. Tools</li> <li>▪ Specific Plan</li> </ul>
<p><del>32.1.3</del> Promote a concentration of industrial, professional office, and commercial activities and high density residential development within selected areas to allow for cost efficient provision of necessary services and to protect residential neighborhoods from negative impacts.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><del>32.1.4</del> Maintain existing commercial areas along State Highway 198 <u>to the extent feasible</u> for highway-oriented commercial development.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><del>3.1.5</del> Promote the use of the site approved for “Commercial-Recreation” development by GPA 94-003 for a destination-type resort such as a guest ranch, conference facility, health spa, golf course or equestrian establishment. Development of the site for retail or service commercial use, unless incidental to the primary use of the site for a destination-type resort, shall be prohibited. (GPA 94-003)</p>	<p><del>Community Plan Map</del></p> <ul style="list-style-type: none"> <li>▪ <del>Development Regulations (Zoning)</del></li> </ul>
<p><u>2.1.5 ED-5.4 Recreational Accommodations</u>  <u>The County shall support the development of visitor-serving attractions and accommodations in unincorporated areas near natural amenities and resources that would not be diminished by tourist activities.</u></p>	<p>CEQA Review</p> <ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><u>2.1.6 ED-5.5 Rivers</u>  <u>The County shall encourage the development of recreational activities and promote tourism along the Kaweah, Tule, and Kings Rivers.</u></p>	<p>CEQA Review</p> <ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>

<p><b><u>2.1.7 ED-5.6 Lakes</u></b>  <u>The County shall promote Lake Kaweah and Lake Success as a major recreational areas that includes camping, water sports, hiking, golf, conference/hotel facilities, and historic attractions.</u></p>	<p><u>CEQA Review</u></p> <ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b><u>2.1.8 ED-5.7 Foothills</u></b>  <u>The County shall encourage additional recreational and visitor-serving development in the Sierra and foothills in areas such as Three Rivers, and Springville.</u></p>	<p><u>CEQA Review</u></p> <ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b><u>2.1.9 ED-5.8 Foothill Gateways</u></b>  <u>The County shall encourage the identification and development of additional recreational opportunities in the foothills and other areas where there are “gateway opportunities”.</u></p>	<p><u>CEQA Review</u></p> <ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b><u>2.1.10 ED-5.9 Bikeways</u></b>  <u>The County shall support the enhancement of the County's recreational bikeways and promote the bikeway network as a component of the County's tourism program.</u></p>	<p><u>CEQA Review</u></p> <ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b><u>2.1.11 ED-5.10 Visitor-Serving Business</u></b>  <u>The County shall encourage visitor-serving businesses to coordinate their advertising.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b><u>2.1.142 ED-5.11 Marketing Programs</u></b>  <u>The County shall regularly evaluate marketing programs and provide assistance to marketing campaigns that attract visitors to the County.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b><u>2.1.123 ED-5.13 National Parks Tourism</u></b>  <u>The County shall work with Sequoia and Kings Canyon National Parks, Giant Sequoia National Monument, Sequoia National Forest, and others to market these areas of the County as tourist destinations.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>

<p><b>2.1.134 ED-5.14 Interagency Cooperation</b>  <u>The County shall cooperate with federal land management agencies to develop and promote Three Rivers and Springville as a gateway communities.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b><u>Objective 2.2 – Business 2.2 Business Attraction, Expansion, and Retention:</u></b> <u>To promote business growth and industry diversification and maintain a favorable business climate and a supportive economic foundation.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>2.2.1 ED-2.1 Business Retention</b>  <u>The County shall participate in regional business retention and expansion programs, such as the Rapid Response program to ensure that County services are accessible to businesses.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>2.2.2 ED-2.5 Small Business</b>  <u>Recognizing the powerful job creation potential of small businesses, the County shall support entrepreneurial development and small business expansion.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>2.2.3 ED-2.6 Agency Support for Small Businesses</b>  <u>The County shall coordinate with other agencies to provide well-tailored services and job creation resources for small businesses, such as incubator zones.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>2.2.4 ED-2.8 Jobs/Housing Ratio</b>  <u>The County shall strive to achieve a jobs-to-housing ratio of greater than one in areas planned for development.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>Objective 32.2–3 Agricultural Development:</b> Support agricultural development for economic benefit, visual diversity, and open space preservation.</p>	
<p><b>32.23.1</b> Designate areas on the Land Use Plan for agricultural land and grazing activities.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> </ul>
<p><b>32.23.2</b> Encourage agricultural land currently not in the Williamson Act to enter Agricultural Preserves Contracts pursuant to the Williamson Act.</p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>32.23.3</b> Require that new development does not interfere with established agricultural water rights.</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Development Review</li> </ul>
<p><b>32.23.4</b> Provide economic incentives to lessen development pressure on agricultural land and open space such as conservation easements, Williamson Act, mitigation banks and other tax incentives.</p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>
<p><b>32.23.5</b> Protect extensive and intensive agricultural areas as identified by the community plan from encroachment of non-agricultural uses through the use of large lot exclusive agricultural zoning.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>Objective 2.4 Commercial Development:</b> Support commercial development for economic benefit, visual diversity, and open space preservation.</p>	

<p><b><u>2.4.1 ED-6.1 Revitalization of Community Centers</u></b>  <u>The County, through public and private collaboration, shall strive to strengthen the core areas of communities to serve as the center for public, financial, entertainment, and commercial activities.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<p><b><u>2.4.2 ED-6.3 Entertainment Venues</u></b>  <u>The County shall encourage the establishment of community and regional entertainment venues within community core areas.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<p><b><u>2.4.3 ED-6.5 Intermodal Hubs for Community and Hamlet Core Areas</u></b>  <u>The County shall work with communities and transit providers to develop intermodal hubs that focus on both local and regional bus service.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<p><b><u>2.4.4 ED-6.6 Core Area Beautification</u></b>  <u>The County shall promote the beautification of communities, hamlet core areas, and mountain service centers.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<p><b><u>2.4.5 ED-6.7 Existing Commercial Centers</u></b>  <u>The County shall help protect the viability of community retail centers by promoting a business mix that responds to changing economic conditions and provides needed services to surrounding neighborhoods.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>

	<ul style="list-style-type: none"> <li>▪ <u>CEQA Review</u></li> </ul>
<p><b><u>2.4.6 PFS-6.1 Telecommunications Services</u></b>  <u>The County shall work with telecommunication providers to ensure that all residents and businesses have access to telecommunications services, including broadband internet service. To maximize access to inexpensive telecommunications services, the County shall encourage marketplace competition from multiple service providers.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>County</u></li> </ul>

It is important to community members that Three Rivers continues to be a livable community with a diversity of housing types and commercial and civic uses. The community would like to ensure that residents are able to find adequate housing opportunities within the area during every stage in their life. This necessitates housing options that are appropriate for families with children as well as for senior citizens.

**GOAL 43: DIVERSE HOUSING OPTIONS**

A diversity of affordable and safe housing options for all Three Rivers residents, including families, seniors, and National Park Service employees.

**Objective 43.1 Housing Mix:** Maintain Three Rivers’ predominant land use of single family residential, while providing for a mix of housing types and affordability levels throughout the community.

Policies	Implementation Mechanism (Numbers refer to descriptions of mechanisms, which follow table)
<b><u>43.1.1 Consistent with public health and safety requirements, Provide provide</u></b> for a variety of residential products in Three Rivers, including senior, low income, rural and estate housing to accommodate the housing needs of all segments of the community’s population.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Review</li> </ul>
<b><u>43.1.2 Educate-Provide information to</u></b> property owners regarding available state and federal low interest housing loans for rehabilitation of deteriorated units, and assist them in qualifying for these loans.	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>
<b><u>43.1.3 Designate adequate land to accommodate multi-family and senior housing in an appropriate area such as the Town Center.</u></b>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b><u>43.1.4 Promote cluster development of senior and affordable housing options in Three Rivers in an appropriate area such as the Town Center.</u></b>	<ul style="list-style-type: none"> <li>▪ Design/Dev. Tools</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b><u>43.1.5 Encourage mixed use development (including housing components) in Three Rivers in an appropriate area such as the Town Center.</u></b>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development</li> </ul>

	Regulations (Zoning)
<b>Objective 43.1 Housing Mix (continued)</b>	
<b>43.1.6</b> Encourage <del>large lot and</del> planned cluster residential development <u>that groups residential properties in a proposed subdivision closer together in order to use the rest of the land for open space on suitable sites that can accommodate lot coverage while providing adequate open space to the extent feasible and appropriate given reasonably available and effective mitigation measures.</u>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<b>43.1.7</b> Prohibit high density residential developments in areas with sensitive environmental or visual resources and in areas lacking suitable infrastructure or emergency access facilities.	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Natural Resources Mapping</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<b>3.1.8</b> Housing Policy 2.21 <u>Require all proposed housing within the development boundaries of unincorporated communities is either (1) served by community water and sewerwastewater, or (2) that physical conditions permit safe treatment of liquid waste by septic tank systems and the use of private wells.</u>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<b>3.1.9</b> Housing Policy 3.11 <u>Support and coordinate with local economic development programs to encourage a “jobs to housing balance” throughout the unincorporated Three Rivers area Community.</u>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<b>3.1.10</b> Housing Policy 3.12 <u>Support locally initiated programs to provide neighborhood parks and recreational facilities for residential areas within unincorporated communities the Three Rivers Community. The County shall use a wide range of funding mechanisms, such as the following, to adequately fund capital improvements, maintenance, and on-going operations for publicly-owned and/or operated facilities:</u>  <ol style="list-style-type: none"> <li>1. <u>Establishing appropriate development impact fees,</u></li> <li>2. <u>Establishing assessment districts, and</u></li> </ol>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>CEQA Review</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>County</u></li> </ul>

<p><u>3. Grant Funding.</u></p>	
<p><u>3.1.11 Housing Policy 3.13 Encourage subdivision and housing unit design, which provides for a reasonable level of safety and security.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>CEQA Review</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><u>3.1.12 Housing Policy 3.16 Actively seek federal, state, and private foundation grant funds for park and recreation facilities in unincorporated areas the Three Rivers Community, including dual-use storm drainage ponding basins/recreation parks that would be implemented through project design to accommodate environmental mitigation. For large projects, encourage through a development agreement, the front loading of park and recreation facilities as a community benefit.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>CEQA Review</u></li> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><u>3.1.13 Housing Policy 4.21 Promote energy conservation opportunities in new residential development.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>CEQA Review</u></li> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><u>3.1.14 Housing Policy 4.22 Enforce provisions of the Subdivision Map Act regulating energy-efficient subdivision design.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>CEQA Review</u></li> </ul>
<p><u>3.1.15 Housing Policy 5.21 Administer and enforce the relevant portions of the Health and Safety Code.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Community Plan Map</u></li> <li>▪ <u>CEQA Review</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Standards.</u></li> </ul>

		<ul style="list-style-type: none"> <li>▪ <u>County Project Review Committee</u></li> </ul>
	<p><u>3.1.16 Housing Policy 5.26 Prohibit concentrations of dwelling units near potentially incompatible agricultural uses as defined in the Animal Confinement Facilities Plan.</u></p>	<ul style="list-style-type: none"> <li><del>CEQA Review</del></li> <li><del>Community Plan Map</del></li> <li><del>Development Regulations (Zoning)</del></li> <li><del>Development Stds.</del></li> <li>▪ <u>Project Review Committee</u></li> </ul>
<p><b>Objective 43.2 Mobilehomes:</b> Provide a role for mobilehomes in satisfying community housing needs while ensuring that the mobilehome development is attractive and compatible with existing development.</p>		
	<p><u>43.2.1 Permit Allow new proposed</u> mobilehome parks and recreation vehicle parks, by Special Use Permit, in designated commercial-recreation areas along State Highway 198 as shown on the plan, <u>or any other suitable areas.</u></p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><u>43.2.2</u> Require mobilehome parks and recreation vehicle parks adjacent to State Highway 198 to be screened from State Highway 198. Utilize such screening measures as masonry walls or other types of architectural fencing, earth berms, rock outcrops, and natural variation to topography. Require the use of natural vegetation where it exists supplemented by additional natural landscaping to soften the visible effect from the highway.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
	<p><u>43.2.3 In keeping with health and safety requirements, and complementary with the topography, require screening measures such as Require</u> skirting or a similar type of architectural screening around the base of the mobilehome to improve mobilehome appearance and safety.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
	<p><u>43.2.4</u> Remove abandoned mobilehomes.</p>	<ul style="list-style-type: none"> <li>▪ <u>Building Inspection</u></li> <li>▪ <u>Code Compliance</u></li> </ul>
	<p><u>43.2.5</u> Ensure that mobilehome projects are located and designed in a manner that is compatible with existing development patterns and does not detract from the visual quality of the community.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

### Natural Environment

The natural environment is Three River's most valuable asset. The natural resources and diverse landscape of Three Rivers contribute to the beauty, character, and recreational opportunities enjoyed and valued by the community. The natural environment in Three Rivers encompasses

the diverse and varied resources, including the Kaweah River, beautiful topography, and cultural resources. Throughout the planning process, the community has stated that maintaining a pristine natural environment and protecting the area’s valuable resources is the top priority in planning for the community’s future.

**GOAL 54: PROTECTION AND CONSERVATION OF THE ENVIRONMENT**

Land use patterns and design solutions which protect and conserve the environmental quality and natural beauty in Three Rivers.

**Objective 54.1 Protection of the Natural Environment:** Protect the natural environment by prohibiting land uses, activities, and development patterns that will have an adverse effect on the environmental quality of Three Rivers.

	Policies	Implementation Mechanism <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<p><b>54.1.1</b> Maintain a serene and attractive natural environment by prohibiting land use activities that create excessive and unwanted noise and/or light in the community.</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>
	<p><b>54.1.2</b> <u>Consistent with CEQA, P</u>protect water quality and wildlife <u>including sensitive and critical habitat</u> in Three Rivers by prohibiting <u>to the extent feasible and appropriate,</u> land use activities that endanger water quality and/or wildlife as a result of pollution and/or sedimentation.</p> <p>a. Prohibit <u>to the extent feasible and appropriate allowed by law,</u> commercial and industrial development with excessive BOD (Biochemical Oxygen Demand) and COD (Chemical Oxygen Demand) waste water discharge characteristics as described by the State Water Quality Control Board and Army Corps of Engineers.</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Development Review</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<p><b>54.1.3</b> Ensure that new development does not excessively increase traffic flow through existing or planned residential areas. <u>The County shall require an analysis of traffic impacts for land development projects that may generate increased traffic on County roads. Typically, applicants of projects generating over 100 peak hour trips per day or where LOS “D” or worse occurs, will be required to prepare and submit this study. The traffic impact study will evaluate impacts from all vehicles, including truck traffic.</u></p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Circulation Plan</li> <li>▪ Development Review</li> </ul>
	<p><b>54.1.4</b> Design roads in residential subdivisions to minimize through traffic. <u>The internal design of subdivision roadways and layout shall be designed based on the functional classification of each roadway which promotes the utilization of collector and arterial roads to provide through traffic access.</u></p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Development Standards.</li> </ul>

<p><b>54.1.5 Encourage and</b> Maintain natural drainage courses to ensure that alterations do not lessen their capacity or cause obstructions, erosion, or sedimentation.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ General Development Controls</li> <li>▪ Maintenance Controls</li> <li>▪ Natural Resource Mapping</li> <li>▪ Public Lands/Easements</li> </ul>
<p><b>4.1.6 ERM-5.15 Open Space Preservation</b>  <u>The County shall preserve natural open space resources through the concentration of development in existing communities, use of cluster development techniques, maintaining large lot sizes in agricultural areas, discouraging conversion of lands currently used for extensive and intensive agricultural production, limiting development in areas constrained by natural hazards, and encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Development Review</u></li> <li>▪ <u>General Development Controls</u></li> <li>▪ <u>Maintenance Controls</u></li> <li>▪ <u>Natural Resource Mapping</u></li> <li>▪ <u>Public Lands/Easements</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>

The Kaweah River is one of the most valuable natural assets in Three Rivers, and is an essential element of the community’s unique character and quality natural environment. The floodways and floodplains along the river enhance the quality of life in Three Rivers, and promote biological and habitat diversity in the community. As part of the future vision for Three Rivers, residents would like to preserve the Kaweah River as a “living river”, which maintains its natural course through the community. Maintaining the Kaweah River in its natural course A living river describes the dynamic interaction between river flow, river form, people, plants, fish and wildlife to maintain the river in the natural, healthy form.

<p><b>Objective 54.2 Kaweah River:</b> Protect and preserve the natural features and quality of the Kaweah River and all of its tributaries, both perennial and intermittent.</p>	
<p style="text-align: center;"><b>Policies</b></p>	<p style="text-align: center;"><b>Implementation Mechanism</b></p> <p>(Numbers refer to descriptions of mechanisms, which follow table)</p>
<p><b>54.2.1</b> Protect and preserve the natural features and quality of the floodways of the Kaweah River. <u>"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map, on maps adopted by the State Reclamation Board when acting within its jurisdiction, and/or on the County Zoning Map (signified by the F-1</u></p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards</li> <li>▪ Floodway Designation</li> <li>▪ Natural Resource Mapping</li> </ul>

<p><u>Primary Flood Plain Zone).</u></p> <p>a. <u>Establish a floodway setback, and monitor and enforce this setbackUtilize the F-2 Secondary Flood Plain Combining Zone which is intended for application to those areas of the County which lie within the fringe area or setback of the flood plain and are subject to less severe inundation during flooding conditions than occur in the F-1 Zone.</u></p> <p>b. <u>Prohibit, to the extent feasible and appropriateallowed by law,</u> structural development within the floodway, unless approved by local, state, or federal agencies with jurisdiction.</p> <p>c. <u>Establish-Utilize the development standards in the Tulare County Ordinance Code Chapter 27. Flood Damage Prevention</u> to ensure that permitted development in the floodway is compatible with the natural resources of the corridor.</p>	
<p><u>54.2.2</u> Protect and preserve the natural features and the quality of the floodplains of the Kaweah River. <u>"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. "Base Flood" is the flood having a one percent chance of being equaled or exceeded any given year. "One-hundred-year flood" or "100 year flood" has the same meaning as "base flood." "Special flood hazard area" is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A, AO, A1-A30, AE, A99, or AH on the FEMA FIRM.</u></p> <p>a. Maintain the 100-year <u>floodplain-floodway</u> by prohibiting the development of residences or permanent structures within the <u>floodplainfloodway unless approved by the State Reclamation Board and the County of Tulare in accordance with the requirements of Tulare County Zoning Ordinance Section 14.7 F-1 Primary Flood Plain Zone. (FGMP, pg. 16, Water Policy #3-8.3 page 3-12.)</u></p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards</li> <li>▪ Floodway Designation</li> <li>▪ Natural Resource Mapping</li> </ul>
<p><u>54.2.3</u> Enforce applicable standards and regulations regarding floodway and floodplain preservation, and refer projects in the floodway and floodplain to applicable agencies.</p> <p>a. Encourage the appropriate state and federal agencies to update floodway and floodplain maps, and incorporate the updated maps into the planning process.</p> <p><u>b. Prohibit, to the extent allowed by law, unless authorized by the County or State Reclamation Board for flood control management purposes, any obstruction including, but is not</u></p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Floodway Designation</li> <li>▪ Intergovernmental Coordination</li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>

	<p>limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.</p>	
<p><b>54.2.4</b></p>	<p>Create positive incentives for floodway and floodplain restoration and protection, including conservation easements and land trust management.</p>	<ul style="list-style-type: none"> <li>▪ Floodway Designation</li> <li>▪ Grant Programs</li> <li>▪ <u>Public Lands and Easements</u></li> </ul>
<p><b>54.2.5</b></p>	<p>Building improvements (homes, fences, etc.) and septic tank/leach line systems or other activities associated with construction (grading) shall not be permitted within 50’ of an intermittent watercourse or 100’ of a perennial watercourse. Where the combined effect of both <del>rules-standards</del> is to eliminate all potential building sites, the <del>rules-standards</del> shall be interpreted as to allow a minimal building site (no more than one residence or main building), as determined by the <u>County Project Review Committee</u>.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Review</li> <li>▪ Natural Resources Mapping</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>54.2.6</b></p>	<p>Development proposals located in the designated river <u>drainage floodplain</u> areas shall be subject to <u>the County Project Review Committee</u>.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Standards</u></li> </ul>
<p><b>54.2.7</b></p>	<p><b>In accordance with CEQA, P</b> protect the riparian areas along the Kaweah River and all of its tributaries.</p> <p>a. Discourage the removal of riparian native species, such as sycamores, <u>blue oaks</u> and valley oaks.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>54.2.8</b></p>	<p>Limit and control planting of non-native plants and trees in the riparian areas <u>by review of the County Project Review Committee</u> of the Kaweah River and all of its tributaries <u>utilizing the Introduced, Invasive, and Noxious Plants list from the USDA Natural Resources Conservation Service</u>.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Standards</u></li> <li>▪ Public Lands and Easements</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>54.2.9</b></p>	<p>Establish a greenway <u>to promote a corridor of protected open space that is maintained for conservation and recreation</u> along the Kaweah River <u>to the extent feasible and appropriate</u>.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Development Tools</li> <li>▪ Development Regulations (Zoning)</li> </ul>

		<ul style="list-style-type: none"> <li>▪ <u>Public Lands and Easements</u></li> </ul>
<p><b>4.2.10 HS-5.4 Multi-Purpose Flood Control Measures</b>  <u>The County shall encourage multipurpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of the County's streams, creeks, and lakes. Where appropriate, the County shall also encourage the use of flood and/or stormwater retention facilities for use as groundwater recharge facilities.</u></p>		<ul style="list-style-type: none"> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>4.2.11 HS-5.9 Floodplain Development Restrictions</b>  <u>The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas.</u></p>		<ul style="list-style-type: none"> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>

The area’s vast forests and oak woodlands are an important resource to the Three Rivers community. Residents of Three Rivers cite the community’s rural character and its proximity to Sequoia National Park as valuable community assets.

<b>Objective 54.3 Oak Woodlands: Protect and preserve oak woodlands.</b>		
	<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<p><b>54.3.1</b> Removal or grading around native trees (6” or larger in diameter) which may disturb the root system shall not be allowed during the construction process unless the <u>County Project Review Committee</u> deems it is necessary because of road alignment or infrastructure improvements <u>given reasonably available and feasible mitigation measures</u>.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
	<p><b>54.3.2</b> Removal of native trees in designated open space areas or on private property shall not be allowed unless the health, safety or welfare of residents associated with the adjacent development is endangered <u>given reasonably available and feasible mitigation measures</u>.</p> <p>a. Any trees proposed for removal must be indicated on the</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

<p>submitted site plan with accompanying information stating the reason for tree removal.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Standards</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ </li> </ul>
<p><b>54.3.3</b> <u>County Project Review Committee</u> shall be utilized for residential development proposals to ensure the preservation of oak woodlands on the site.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
<p><b>5.3.4</b> Establish a replacement standard of 1:1 <u>to the extent feasible and appropriate</u> for the removal and replacement of oak woodlands <u>given reasonably available and feasible mitigation measures</u>.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Standards</u></li> </ul>
<p><b>54.3.5</b> Implement an educational program for community residents regarding blue oak woodlands, and encourage community participation in preservation efforts.</p>	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>
<p><b>54.3.6</b> Limit and control <u>to the extent feasible and appropriate</u> non-native plant species that threaten native oak woodlands.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Standards</u></li> <li>▪ Public Lands and Easements</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>4.3.7</b> <u>ERM-1.12 Management of Oak Woodland Communities</u>  <u>The County shall support the conservation and management of oak woodland communities and their habitats.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Grant Programs</u></li> <li>▪ <u>Public Lands and Easements</u></li> <li>▪ <u>Natural Resources Mapping</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>4.3.8</b> <u>ERM-1.4 Protect Riparian Areas</u>  <u>The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Grant Programs</u></li> <li>▪ <u>Public Lands and Easements</u></li> <li>▪ <u>Natural Resources Mapping</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>

<p><b>4.3.9 ERM-1.8 Open Space Buffers</b>  <u>The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and riparian habitat in their natural state.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Grant Programs</u></li> <li>▪ <u>Public Lands and Easements Natural Resources Mapping</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>Objective 54.4 Native Vegetation and Habitat:</b> Protect and preserve native vegetation and wildlife habitat areas.</p>	
<p><b>54.4.1</b> Prohibit <u>to the extent feasible and appropriate</u> unnecessary removal of native trees on development sites prior to the approval of development plans to control erosion, preserve wildlife habitat, and maintain the natural character of Three Rivers.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Regulations</u></li> <li>▪ <u>Natural Resources Mapping</u></li> <li>▪ <u>Public Lands and Easements</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
<p><b>54.4.2</b> Restrict <u>to the extent feasible and appropriate</u> the removal of natural vegetation, except for wildland fire prevention purposes.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Regulations</u></li> <li>▪ <u>Natural Resources Mapping</u></li> <li>▪ <u>Public Lands and Easements</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
<p><b>54.4.3</b> Prevent <u>to the extent feasible and appropriate</u> encroachment of development into riparian habitat areas and habitat of endangered species and wildlife of special concern.</p>	<ul style="list-style-type: none"> <li>▪ <u>Natural Resources Mapping</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
<p><b>54.4.4</b> Ensure <u>to the extent feasible and appropriate</u> that landscaping of development contains plant material compatible with the surrounding native vegetation.</p>	<ul style="list-style-type: none"> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
<p><b>4.4.5 ERM-1.7 Planting of Native Vegetation</b>  <u>The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife,</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Development Regulations</u></li> <li>▪ <u>Natural Resources</u></li> </ul>

<p><u>and ensure that a maximum number and variety of well-adapted plants are maintained.</u></p>	<p><u>Mapping</u></p> <ul style="list-style-type: none"> <li>▪ <u>Public Lands and Easements</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> </ul>
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Three Rivers’ location in the foothills of the Sierra Nevada at the gateway to Sequoia National Park provides the community with extraordinary views and vistas. To preserve the scenic quality of the region, it is necessary to establish development controls in areas that the community has identified as scenic resources.

The existing Foothill Growth Management Plan contains goals, policies and development standards that help to preserve viewsheds and ridgelines in the region, shall be a resource for policies and standards to preserve visual resources.

<p><b>Objective 54.5 Visual Resources:</b> Preserve visual resources in Three Rivers, including viewsheds and ridgelines.</p>	
<p><b>Policies</b></p>	<p><b>Implementation Mechanism</b> (Numbers refer to descriptions of mechanisms, which follow table)</p>
<p><b>54.5.1</b> <u>Unless otherwise specified in this Community Plan,</u> Implement the policies and standards of the Foothill Growth Management Plan regarding visual resources.</p>	<ul style="list-style-type: none"> <li>▪ FGMP</li> </ul>
<p><b>54.5.2</b> New development proposals shall be subject to <u>County Project Review Committee</u> to ensure minimal impacts to visual resources.</p>	<ul style="list-style-type: none"> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>54.5.3</b> Ensure the quality of design of structures along Highway 198 to maintain the visual quality of the views from the Highway.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards</li> <li>▪ <u>County Project Review Committee</u></li> </ul>
<p><b>54.5.4</b> Design roadways to minimize viewshed alteration and impact.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Circulation Plan</li> <li>▪ Design/Development Tools</li> </ul>
<p><b>54.5.5</b> Design hilltop development to preserve the skyline and maintain an unobstructed scenic panorama.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards</li> <li>▪ <u>County Project Review Committee</u></li> </ul>

<p><b>54.5.6</b> Prohibit development on ridgelines <u>to the extent feasible for new development that causes a significant impact to the skyline and scenic panorama by requiring the development to blend into the landscape rather than becoming a focal point given reasonably available and feasible mitigation measures</u>. The top of structures shall be <u>designed to preserve the skyline and maintain an unobstructed scenic panorama</u>. <del>a minimum distance of 20' below the natural ridgeline.</del></p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Development Review</li> <li>▪ Natural Resources Mapping</li> <li>▪ <b>County Project Review Committee</b></li> </ul>
<p><b>54.5.7</b> Prohibit <u>to the extent feasible and appropriate</u> development on slopes 30% or greater, unless the inherent problems associated with developing on steep slopes can be mitigated without excessive grading <u>given reasonably available and feasible mitigation measures</u>.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Natural Resources Mapping</li> </ul>
<p><b>54.5.8</b> Require a grading and slope stabilization plan for the portion of the development exceeding slopes of 15% or greater.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> </ul>
<p><b>54.5.9</b> Prohibit alteration or cutting of existing slopes <u>to the extent feasible and appropriate</u> to decrease the gradient for the purpose of development, prior to the submittal of a development application.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ General Development Controls</li> <li>▪ Natural Resources Mapping</li> <li>▪ <b>County Project Review Committee</b></li> </ul>

Three Rivers possesses significant historical and cultural resources that the community wishes to preserve and maintain as the area grows. The community is home to historical buildings and structures such as the Kaweah Post Office and historical bridges, as well as Native American cultural resources. According to archaeological surveys, Three Rivers has numerous archaeological sites.

Future development shall be limited and planned to minimize impact on the historical, cultural, and archaeological landscape of the planning area. Buildings and structures of historical and cultural significance shall be well maintained.

<p><b>Objective 54.6 Historical, Cultural and Archaeological Resources:</b> Preserve historical, cultural, and archaeological resources including the Kaweah post office, historical bridges, and Native American cultural resources.</p>	
<p style="text-align: center;"><b>Policies</b></p>	<p style="text-align: center;"><b>Implementation Mechanism</b></p> <p>(Numbers refer to descriptions of mechanisms, which follow table)</p>
<p><b>54.6.1</b> Identify historical, cultural, and archaeological resources within the community.</p> <p style="padding-left: 40px;">a. Create a list of historic buildings and structures to be preserved in Three Rivers.</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> </ul>

<p><b>54.6.2</b> <u>Limit to the extent feasible and appropriate</u> development on sites with identified significant cultural or historical value.</p>	<ul style="list-style-type: none"> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>54.6.3</b> Consider incentives to promote restoration of historic structures and cultural and archeological resources in the community.</p>	<ul style="list-style-type: none"> <li>▪ <u>Grant Programs</u></li> </ul>
<p><b>4.6.4 ERM-6.3</b> <u>Alteration of Sites with Identified Cultural Resources</u>  <u>When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted in these areas only after a site specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Archaeological Survey</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>4.6.5 ERM-6.4</b> <u>Mitigation</u>  <u>If preservation of cultural resources is not feasible, every effort shall be made to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Archaeological Survey</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>4.6.6 ERM-6.8</b> <u>Solicit Input from Local Native Americans</u>  <u>The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Archaeological Survey</u></li> </ul>
<p><b>4.6.7 ERM-6.9</b> <u>Confidentiality of Archaeological Sites</u>  <u>The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Archaeological Survey</u></li> <li>▪ <u>Development Review</u></li> <li>▪ <u>Design Guidelines</u></li> <li>▪ <u>Development Standards</u></li> <li>▪ <u>County Project Review Committee</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>
<p><b>4.6.8 ERM-6.10</b> <u>Grading Cultural Resources Sites</u>  <u>The County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, § 2501 et. seq.</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Archaeological Survey</u></li> <li>▪ <u>Development Regulations (Zoning)</u></li> </ul>

Community public facilities services are an essential part of the quality of life in Three Rivers. High quality schools and recreation facilities contribute to creating a self-sustaining, healthy community with a sense of identity and character. It is important to maintain these facilities in the future to ensure a high quality environment for all residents and for future generations of Three Rivers residents.

**GOAL 65: PROVIDE PUBLIC SERVICES AND COMMUNITY FACILITIES TO THE COMMUNITY**

High quality public services and community facilities to serve the existing and future needs of Three Rivers.

**Objective 6.1 School Facilities and Programs:** The County shall work cooperatively with the Three Rivers Union Elementary School District to that ensure needed school facilities and educational programs are provided in a timely manner in accordance with the pace of development.

	Policies	Implementation Mechanism <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<b>6.1.1</b> The County shall coordinate with the Three Rivers Union Elementary School District to ensure uncrowded classrooms, buses, playgrounds, cafeterias and office space essential to offer a quality educational program.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>

	<b>6.1.2</b> The County shall encourage the school district to plan future development activities, based on 5-year growth projections, with close attention to functional and architectural compatibility.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>
	<b>6.1.3</b> The County shall encourage the school district to study methods of financing and developing a multi-use community school recreation/education building.	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> <li>▪ Intergovernmental Coordination</li> </ul>

**Objective 6.2 Open Space and Recreation Facilities:** Provide sufficient open space, public recreational areas, and facilities for community recreation needs.

	<b>6.2.1</b> Reserve open space for recreational purposes in conjunction with future residential developments.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> </ul>
	<b>6.2.2</b> Facilitate innovation in housing and subdivision design to accommodate private recreation and open space areas.	<ul style="list-style-type: none"> <li>▪ Design/Development Tools</li> </ul>
	<b>6.2.3</b> Develop a community facility in Three Rivers to provide educational, recreational, cultural, and meeting space for community residents.	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>

<p><b>6.2.4</b> Ensure ongoing maintenance of existing and future public recreation areas and facilities.</p>	<ul style="list-style-type: none"> <li>▪ Maintenance Controls</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>6.2.5</b> Retain recreational open space in a natural state to avoid high maintenance costs and to maintain compatibility with the natural environment.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> </ul>
<p><b>Objective 6.3: Provision of Water and Sewer/Wastewater</b> Continue the efficient provision of water and <u>sewer/wastewater</u> services within the Urban Area Boundary (UDB).</p>	
<p><b>6.3.1</b> Ensure that the provision of public services (water and <u>sewer/wastewater</u>) are consistent with the Three Rivers Community Plan (map and text).</p>	<ul style="list-style-type: none"> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>6.3.2</b> Provide an adequate, reliable and safe water supply, storage, and distribution system.</p>	<ul style="list-style-type: none"> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>6.3.3</b> Require sewage collection systems in planned high density residential and/or commercial areas.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>6.3.4</b> Provide adequate <u>sewer/wastewater</u> collection and treatment capacity for existing and planned development in Three Rivers that is within the boundaries of the CSD.</p>	<ul style="list-style-type: none"> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>6.3.5</b> Require commercial areas to form Improvement Districts under the auspices of the Community Services District when community water and <u>sewer/wastewater</u> systems are required.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> </ul>

### **Transportation and Public Safety**

Transportation Management in Three Rivers is integral to maintaining the rural character of the community, as well as ensuring public safety and welfare for residents and visitors. Due to its location at the gateway to Sequoia National Park, Three Rivers experiences high volumes of traffic, often at high speeds along Highway 198. Highway 198 is the only means of ingress and egress for the community. Traffic management measures and improvements such as traffic calming shall be utilized to reduce the speed of traffic through the area and to enhance the livability of the community. It is also important to consider the connection between land use and transportation in the community. Locating high intensity, traffic generating uses in close proximity to major roads and transportation corridors will help to minimize traffic impacts throughout the community.

**GOAL 76: FOSTER SAFE AND ACCESSABLE TRANSPORTATION/CIRCULATION SYSTEM**

A safe and accessible transportation and circulation system in Three Rivers that enhances the character of the community.

**Objective 7.1 Transportation and Circulation System:** Develop a safe and accessible transportation and circulation system in Three Rivers.

	Policies	Implementation Mechanism (Numbers refer to descriptions of mechanisms, which follow table)
	7.1.1 Coordinate with Caltrans to establish turnouts and rest areas as traffic calming devices along Highway 198.	▪ Intergovernmental Coordination
	7.1.2 Create left turn lanes from Westbound Highway 198 onto Cherokee Drive.	▪ Circulation Plan
	7.1.3 Improve and egress safety and access at the Shoshone Inn Location.	▪ Circulation Plan
	7.1.4 Improve ingress and egress safety and access to the Cherokee Oaks area.	▪ Circulation Plan
	7.1.5 Improve pedestrian safety and access in the community, particularly near the elementary school.  a. Construct a pedestrian walkway from the elementary school to the North Fork Bridge.	▪ Circulation Plan
	7.1.6 Establish a Dial-a-Ride program to improve access and mobility for seniors.  a. Participate in the annual Unmet Transit Needs hearing of transit providers.	▪ Intergovernmental Coordination
	7.1.7 Establish and maintain a high level of traffic enforcement in Three Rivers.	▪ Public Health/Safety Requirements ▪ Intergovernmental Coordination
	7.1.8 Require the installation of left and right hand turn lanes (as necessary) as development conditions.	▪ Development Review

**Objective 7.2 Access to Transportation:** Ensure that land uses are located with appropriate access to transportation corridors.

	Policies	Implementation Mechanism (Numbers refer to descriptions of
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		mechanisms, which follow table)
7.2.1	Require public, quasi-public, and high density residential uses to locate where there is direct and safe access to an appropriately designed or improved street.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> </ul>
7.2.2	Require commercial, professional office and light industrial development to locate in areas with adequate access to major transportation corridors.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> </ul>

There are natural factors in Three Rivers, such as topography and vegetation, which contribute to the quality of the environment, which can also affect emergency and safety access to residential development. It is important to balance the rural character of the community with the need for adequate emergency and safety access.

**GOAL 87: PROVIDE ADEQUATE EMERGENCY AND SAFETY ACCESS**

Adequate emergency and safety access to all development in Three Rivers.

**Objective 8.1 Adequate Emergency Access:** Ensure adequate access for emergency and safety vehicles, consistent with the State Response Area (SRA) standards.

	<b>Policies</b>	<b>Implementation Mechanism</b> (Numbers refer to descriptions of mechanisms, which follow table)
8.1.1	Incorporate residential safety standards, including driveway standards, address coding, and adequate street widths.	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Public Health and Safety Requirements</li> </ul>
8.1.2	Require that new development is accessible to the Tulare County Fire Department and Sheriff’s Department.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development Standards</li> <li>▪ Intergovernmental Coordination</li> <li>▪ Public Health and Safety Requirements</li> </ul>
8.1.3	Pursue a local fire station and ambulance service in Three Rivers that will be operational throughout the entire year.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>
8.1.4	Ensure that the rural characteristics of the community are maintained, along with the improvements to emergency access and public safety.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development <u>Standards</u>.</li> </ul>
8.1.5	Create and implement a numbering and identification system for all residences and businesses to ensure that they can be readily accessed by fire, ambulance, and law enforcement personnel and vehicles in the event of an emergency.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development <u>Standards</u>.</li> <li>▪ Intergovernmental</li> </ul>

	<ul style="list-style-type: none"><li>a. Adequate numbering will be a development condition for future development.</li><li>b. Ensure that this system is consistent between all effected agencies</li></ul>	Coordination
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2009 DRAFT  
THREE RIVERS COMMUNITY PLAN GOALS OBJECTIVES AND  
POLICIES 2014 UPDATE  
11-10-14

**Three Rivers Community Plan Vision**

The Three Rivers Community Plan is a statement regarding fundamental community values including a shared vision for the future of the Three Rivers Community. Three Rivers is a unique rural residential community located in the unincorporated portion of Tulare County, in the foothills of the Sierra Nevada Mountain Range with many valuable natural assets, including the Kaweah River, open space, steep terrain, natural blue oak woodland and riparian communities, and is the gateway to the Sequoia National Park. The natural resources and diverse landscape of Three Rivers contribute to the beauty, character, and recreational opportunities enjoyed and valued by the community.

Protection of the natural environment including the Kaweah River which is the heart of the community, is the most important Community asset. The Kaweah River is an essential element of the community's unique character and quality natural environment. The floodways and floodplains along the river enhance the quality of life in Three Rivers, and promote biological and habitat diversity in the community. As part of the future vision for Three Rivers, residents would like to preserve the Kaweah River, which maintains its natural course through the community. **Maintaining the Kaweah River in its natural course** describes the dynamic interaction between river flow, river form, people, plants, fish and wildlife to maintain the river in the natural, healthy form. Water to support residential and commercial development in Three Rivers is limited. Any planned residential or commercial development must ensure that adequate water resources are available to support the proposed development before construction begins.

The purpose of the Three Rivers Community Plan is to preserve and protect the values, character and assets of the community, including preservation of its historical rural character and valuable natural resources while ensuring that economic growth remains vibrant and sustainable consistent with the desired character of the community. Three Rivers possesses significant historical and cultural resources that the community wishes to preserve and maintain as the area grows. One of the shared visions for Three Rivers is a community is a strong central core area with clustered commercial development which can help create a focal point or town center for the community, and can also reinforce a sense of place and community identity. The Community Plan will help to maintain a rural atmosphere, while ensuring that an appropriate type and scale of future development is provided with adequate community infrastructure while protecting natural resources, and upholding community values.

It is important to community members that Three Rivers continues to be a livable community with a diversity of housing types and commercial and civic uses. Community public facilities services are an essential part of the quality of life in Three Rivers. High quality schools and recreation facilities contribute to creating a self-sustaining, healthy community with a sense of identity and character. Transportation Management in Three Rivers is integral to maintaining the rural character of the community, as well as ensuring public safety and welfare for residents and visitors. It is important to balance the rural character of the community with the need for adequate emergency and safety access including appropriate disaster planning and response.

Like the rugged mountains that surround them, the communities of Three Rivers and Kaweah have always included a rugged, individualistic spirit. The early pioneers, cowboys, and artisan's wanted a place to live, work, and raise their families that would foster in them an indomitable quest to pursue their dreams. That rugged, individualistic, indomitable spirit still exists today in the hearts and minds of those who live, work, and play in the foothills and mountains of Three Rivers. As a result, the Community Plan is an important tool for protecting Three Rivers' assets and guiding future growth and development. The Community Plan will provide appropriate direction to help guide public and private decisions affecting the community including provisions for the overall direction, density, type of growth and protection of the natural environment that is consistent with the needs and desires of the Three Rivers Community to maintain its rural character.

### **Three Rivers Community Plan Vision Statements**

Protect and Preserve Oak, Sycamore and Cottonwood Woodlands

Preserve Visual Resources, Including Viewsheds and Ridgelines.

Preserve Historical, Cultural and Archaeological Resources Including the Kaweah Post Office, Historical Bridges, and Cultural Native American Resources.

Provide Land Uses Consistent Community Character including an Urban Development Boundary (UDB) that is contiguous with the existing Planning Area Boundary.

Create a Town Center or centers with a Concentration of Commercial, Retail and Social Uses to Help Strengthen Three Rivers as a Livable Community.

Ensure adequate land use supplies for residential, commercial, industrial and public uses to accommodate future growth and ensure the community's economic viability.

Manage growth.

Ensure compatibility between land use types and intensities.

Encourage a diversity of housing options for all Three Rivers residents, including affordable housing for families, seniors, and National Park Service employees.

Ensure that future development is compatible with existing development and the natural environment

Establish rural compatibility standards

Establish Standards for signage which balances practical business considerations with community design standards.

Development of Noise Standards Reflective of a Foothill and Canyon Community Environment.

Vegetation standards.

Establish Setback standards for residential development.

Establish Streetscape guidelines for roadways, paths and sidewalks.

Establish Standards for fences

Apply Rural Compatibility Standards through the County Project Review Committee process.

Develop a Traffic Circulation Plan with management strategies and improvements to increase safety and community access.

Establish Lighting Standards for Night Sky Conservation and Protection.

## **County of Tulare General Plan Framework**

### **Value Statements**

1. The beauty of the County and the health and safety of its residents will be protected and enhanced.
2. The County will create and facilitate opportunities to improve the lives of all County residents.
3. The County will protect its agricultural economy while diversifying employment opportunities.
4. Every community will have the opportunity to prosper from economic growth.
5. Growth will pay its own way providing sustainable, high quality infrastructure and services.

### **Framework Concepts**

#### **Concept 1: Agriculture**

One of the most identified assets in Tulare County is the rich agricultural land on the valley floor and in the foothills. The General Plan identifies agriculture not only as an economic asset to the County but also as a cultural, scenic, and environmental element to be protected and to insure that the utilization of these resources may continue to economically succeed.

#### **Concept 2: Land Use**

Tulare County has a number of unincorporated communities that will grow and develop and natural resource lands (agriculture, mineral extraction, and open space) that will be preserved and permitted to expand. It is anticipated that much of the projected population growth will require a range of housing choices, neighborhood support services, and employment producing uses that are centrally located in cities and unincorporated communities. The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses.

#### **Concept 3: Scenic Landscapes**

The scenic landscapes in Tulare County will continue to be one of its most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent.

#### **Concept 4: Natural and Cultural Resources**

As Tulare County develops its unincorporated communities, the County will ensure that development occurs in a manner that limits impacts to natural and cultural resources through the implementation of its Goals and Policies and through proper site planning and design techniques.

**Guiding Principles**

**Principle 1: Opportunities**

Provide opportunities for small unincorporated communities to grow or improve quality of life and their economic viability.

**Principle 2: Reinvestment**

Promote reinvestment in existing unincorporated communities in a way that enhances the quality of life and their economic viability in these locations.

**Principle 3: Protection of Resources**

Protect the County’s important agricultural resources and scenic natural lands from urban encroachment through the implementation of Goals and Policies of the General Plan.

**Principle 4: Limit Rural Residential Development**

Strictly limit rural residential development potential in important agricultural areas outside of unincorporated communities, hamlets, and city UDBs, UDBs (i.e., avoid rural residential sprawl).

**Principle 5: Agricultural Facilities**

Allow existing and outdated agricultural facilities in rural areas to be retrofitted and used for new agricultural related businesses (including non-agricultural uses) if they provide employment.

**Principle 6: Planning Coordination and Cooperation**

Enhance planning coordination and cooperation with the agencies and organizations with land management responsibilities in and adjacent to Tulare County.

County Project Review Committee

<p style="text-align: center;"><b>GOAL 1: COMPATIBLE DEVELOPMENT</b></p> <p><i>Maintain the Rural Gateway Character of Three Rivers through land uses and new development that are compatible and consistent with the existing development in Three Rivers, preserve the unique visual and community character natural environment and create a distinct sense of place.</i></p>
<p style="text-align: center;"><b>GOAL 2: ECONOMIC VITALITY</b></p> <p>A strong, diversified economic environment within Three Rivers which consistent with the rural and visual atmosphere of the community.</p>
<p style="text-align: center;"><b>GOAL 3: DIVERSE HOUSING OPTIONS</b></p> <p>A diversity of affordable and safe housing options for all Three Rivers residents, including families, seniors, and National Park Service employees.</p>
<p style="text-align: center;"><b>GOAL 4: PROTECTION AND CONSERVATION OF THE ENVIRONMENT</b></p> <p>Land use patterns and design solutions which protect and conserve the environmental quality</p>

and natural beauty in Three Rivers.

**GOAL 5: PROVIDE PUBLIC SERVICES AND COMMUNITY FACILITIES TO THE COMMUNITY**

High quality public services and community facilities to serve the existing and future needs of Three Rivers.

**GOAL 6: FOSTER SAFE AND ACCESSABLE TRANSPORTATION/CIRCULATION SYSTEM**

A safe and accessible transportation and circulation system in Three Rivers that enhances the character of the community.

**GOAL 7: PROVIDE ADEQUATE EMERGENCY AND SAFETY ACCESS**

Adequate emergency and safety access to all development in Three Rivers.

**GOAL 8: ENHANCE COMMUNITY CHARACTER**

Enhancing attributes in a community to make it unique, both in terms of the built and natural environment and its population.

**GOAL 9: PROVIDE SAFE AND SECURE ENVIRONMENT**

The health and safety of its residents will be protected and enhanced.

**GOAL 1: COMPATIBLE DEVELOPMENT**

*Maintain the Rural Gateway Character of Three Rivers through land uses and new development that are compatible and consistent with the existing development in Three Rivers, preserve the unique visual and community character natural environment and create a distinct sense of place.*

**Objective 1.1 Development Compatibility:** Ensure compliance with the Community Plan to ensure compatibility between and within new and existing development. This includes new public or private development, such as buildings and infrastructure, which is harmonious with natural features and historic structures. Visual resources include agricultural lands, woodlands, forestlands, watercourses, mountains, meadows, structures, communities, and other types of scenery that contribute to the visual beauty of the Three Rivers Community.

	<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
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<p><b>1.1.1</b> Ensure that new residential development is compatible with the character of the community through the enforcement of rural standards and guidelines.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ County Project Review Committee</li> <li>▪ Development Review</li> </ul>
<p><b>1.1.2</b> Ensure that development to accommodate growth includes a balanced mix of residential, commercial and public uses that enhance the community's economic vitality while maintaining its rural character and quality of life. .</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ County Project Review Committee</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.3</b> Limit commercial or recreational uses that generate negative impacts, such as noise, lighting, traffic, odors and emissions in residential and rural residential neighborhoods.</p> <p>(a) The height, size, mass, scale, and design of new development shall be consistent in size, and compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow natural contours of the landscape and clustered in the most accessible, least visually prominent and most geologically stable portion or portions of a site. Structures will be sited so as not to obstruct significant views.</p> <p>(b) Implement a development height standard, based on the existing building code, with maximum building height not to exceed 35' as identified in the FGMP page 41).</p> <p>The following general provisions are recommended:</p> <p>(a). Distance: to be determined based on the following factors:</p> <p>(b). Stabilization of edge condition,</p> <p>(c). Types of operation,</p> <p>(d). Types of land uses (i.e. schools, etc.)</p> <p>(e). Building orientation,</p> <p>(f). Planting of trees for screening,</p> <p>(g). Location of existing and future rights-of-way,</p> <p>(h). Types of uses allowed inside</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ County Project Review Committee</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p>the project area,</p> <p>(i). Unique site conditions,</p> <p>(j). Responsibility for maintenance,</p> <p>(k). Scale of development.</p>	
<p><b>1.1.4</b> Encourage compatible commercial establishments necessary to serve residents and tourists that are commensurate with the scale and intensity of the community, preserve the environment, and which do not have to the extent feasible, significant traffic, light, noise or visual impacts to the community.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ County Project Review Committee</li> </ul>
<p><b>1.1.5</b> Cluster commercial uses in compact areas and development patterns to discourage strip development and encourage the development of a Town Center or Centers.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> <li>▪ Design/Dev. Tools</li> </ul>
<p><b>1.1.6</b> Protect land uses adjacent to State Highway 198 from noise impacts by requiring adequate landscape screening and buffering.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> </ul>
<p><b>1.1.7</b> Require adequate buffers (setback, side and rear yards, landscaping and screening) between commercial and/or industrial development and residential areas.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p><b>1.1.8</b> Increase the opportunities for public involvement and participation for planning and development processes in Three Rivers.</p> <p>a. Publish public notices for development projects in Three Rivers in a public, visible location including a legally recognized local community newspaper of general circulation.</p> <p>b. Facilitation of local community input process through the Three Rivers Village Foundation Town Hall Meetings.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> </ul>
<p><b>1.1.9</b> LU-1.3 Prevent Incompatible Uses</p> <p>The County shall discourage the intrusion into existing residential and rural residential areas of new incompatible land uses that produce significant noise, odors, or fumes.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.10</b> LU-3.8 Rural Residential Interface</p> <p>The County shall minimize potential land use conflicts at the interface between commercial, industrial, or medium to high density residential</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development</li> </ul>

development and existing developed rural-residential areas.	Regulations (Zoning)
<p><b>1.1.11 LU-6.2 Buffers</b> The County shall ensure that residential and other non-compatible land uses are separated and buffered from major public facilities such as landfills, airports, and sewage treatment plants.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.12 LU-4.5 Commercial Building Design</b> The County shall encourage that new commercial development is consistent with the existing design of the surrounding community or neighborhood by encouraging similar façades, proportionate scale, parking, landscaping, and lighting that provides for night sky conservation and protection.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.13 LU-7.4 Streetscape Continuity in Town Centers</b> The County shall ensure that streetscape elements in Town Centers (e.g., street signs, trees, and furniture) maintain visual continuity and follow a common image for each community including incorporating walkable community concepts and context sensitive standards.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.14 LU-7.12 Historic Buildings and Areas</b> The County shall encourage preservation of buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas. Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired where ever feasible.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>1.1.15 LU-7.14 Contextual and Compatible Design</b> The County shall ensure that new development respects Three River’s long heritage by requiring that development respond to its context, be compatible with the traditions and character of the community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>Objective 1.2 Rural Gateway Character:</b> Maintain and balance the existing natural environment with the rural gateway character of Three Rivers.</p>	
<p><b>1.2.1</b> Ensure that the size, type, and scale of new development in Three Rivers is compatible with the rural character of the community.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review</li> </ul>

		<ul style="list-style-type: none"> <li>Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.2</b> Encourage visitor serving uses which are low intensity, and which do not have negative traffic, noise or visual impacts to the community.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.3 SL-2.2</b> Gateways to the Sequoias The County shall ensure that the “gateway highway” (State Highway 198) to the Sequoias feature the County’s unique history and scenery by:</p> <p>a. Maintaining the rural character of roadway rights-of-ways, highway signage, and related roadway and structure design, b. Protecting primary viewsheds from development, c. Prohibiting development of highway commercial projects that do not respond to their physical or cultural context, and d. Featuring the community centers/main streets of the gateway community of Three Rivers.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.4 LU-7.10</b> Gateways/Entry-points The County shall identify key entry points on the edges of the communities and support programs and projects that enhance gateways and transitional zones between communities to make each community more distinctive and inviting for residents and visitors.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.5 LU-7.2</b> Integrate Natural Features The County shall emphasize each community’s natural features as the visual framework for new development and redevelopment.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.6 LU-7.9</b> Visual Access The County shall require new development to maintain visual access to views of hillsides, creeks, and other distinctive natural areas by regulating building orientation, height, and bulk.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.7 LU-7.6</b> Screening The County shall require landscaping to adequately screen new industrial uses to minimize visual impacts.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.8 LU-5.3</b> Storage Screening The County shall require adequate landscaping and screening of industrial storage areas to minimize visual impacts and enhance the quality of the environment.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>

	<p><b>1.2.9 LU-2.3 Open Space Character</b>  The County shall require that all new development requiring a County discretionary approval, including parcel and subdivision maps, be planned and designed to maintain the scenic open space character of open space resources including, but not limited to, agricultural areas, rangeland, riparian areas, etc., within the view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.10 SL-1.1 Natural Landscapes</b>  During review of discretionary approvals, including parcel and subdivision maps, the County shall as appropriate, require new development to not significantly impact or block views of Tulare County’s natural landscapes. To this end, the County may require new development to:</p> <ol style="list-style-type: none"> <li>a. Be sited to minimize obstruction of views from public lands and rights-of-ways,</li> <li>b. Be designed to reduce visual prominence by keeping development below ridge lines, using regionally familiar architectural forms, materials, and colors that blend structures into the landscape,</li> <li>c. Screen parking areas from view,</li> <li>d. Include landscaping that screens the development,</li> <li>e. Limit the impact of new roadways and grading on natural settings, and</li> <li>f. Include signage that is compatible and in character with the location and building design.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.11 SL-1.3 Watercourses</b>  The County shall protect visual access to, and the character of, Tulare County’s scenic rivers, lakes, and irrigation canals by:</p> <ol style="list-style-type: none"> <li>a. Locating and designing new development to minimize visual impacts and obstruction of views of scenic watercourses from public lands and right-of-ways, and</li> <li>b. Maintaining the rural and natural character of landscape viewed from trails and watercourses used for public recreation.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.12 SL-3.2 Community Expansion–Edges</b>  The County shall design and plan the edges and interface of communities with working and natural landscapes to protect their scenic qualities by:</p> <ol style="list-style-type: none"> <li>a. Maintaining separators between cities and communities,</li> </ol>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> </ul>

	<p>b. Encouraging cities to master plan mixed-density neighborhoods at their edges, locating compatible lower density uses adjacent to working and natural landscapes, and</p> <p>c. Protecting important natural, cultural, and scenic resources located within areas that may be developed in the future.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.13 SL-3.3 Highway Commercial</b>  The County shall require highway commercial uses to be located and designed to reduce their visual impact on the travel experience along State scenic highways and County scenic routes by:</p> <p>a. Encouraging commercial development to locate in existing communities and hamlets,</p> <p>b. Designing highway commercial areas as an extension of community street patterns and vernacular design traditions, allowing the individual personalities of each community to extend to the highway edge, and</p> <p>c. Discouraging development of frontage roads consistent with commercial strips except when consistent with regional growth corridor and community plans.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.14 ERM-5.19 Interagency Cooperation</b>  The County shall cooperate with Federal land management agencies including the National Park Service to develop and promote the establishment of Three Rivers as a gateway community including enhanced web site interaction to provide easy access and quality information.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.15 Encourage proactive sharing of relevant information between Sequoia National Park, the County, and the Three Rivers Village Foundation.</b></p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.16 Encourage regular meetings between the National Park Service, key decision makers, and the Three Rivers Village Foundation to advise of current or upcoming activities or changing priorities.</b></p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

	<p><b>1.2.17 FGMP-1.5 Preserving Visual Resources</b>  The County shall encourage new development be designed in a manner that preserves the visual quality of the foothill setting by encouraging the use of curvilinear streets, vegetation reestablishment on cuts and fills, cluster development, and housing site locations that to the extent feasible for new development that causes a significant impact to the skyline and scenic panorama to blend into the landscape rather than becoming a focal point given reasonably available and feasible mitigation measures</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.18 FGMP-6.1 Preservation of Scenic Highways</b>  The County shall ensure that the visual qualities of State Highway198 and County scenic routes are maintained and protected against obtrusive development improvements.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.19 FGMP-6.4 Development Within Scenic Corridors</b>  The County shall require that projects located within a scenic corridor be designed in a manner, which does not detract from the visual amenities of that thoroughfare. The County shall support through the use of its authority and police powers, the design of infrastructure that minimizes visual impacts to surrounding areas by locating roadways in areas that minimize the visual impact on rural and natural places whenever feasible.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>1.2.20 FGMP-6.5 Cluster Development</b>  The County shall encourage projects proposed on lands within a scenic corridor with a non-agricultural or non-open space land use designation, to use a cluster development concept. Appropriate land uses for the open space areas shall include, but will not be limited to, public or private open space, wildlife habitat or agriculture.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>Objective 1.3 Rural Development Standards:</b> Establish and implement standards for rural development which incorporate the rural standards of the community.</p>		
	<p><b>Policies</b></p>	<p style="text-align: center;"><b>Implementation Mechanism</b>  (Numbers refer to descriptions of mechanisms, which follow</p>

		table)
<b>1.3.1</b> Require the <b>County</b> Project Review Committee for all new development in Three Rivers.  a. Unless otherwise specified in this Community Plan, apply Foothill Growth Management Plan standards to the extent feasible as determined to be reasonable and appropriate by the affected decision makers.		<ul style="list-style-type: none"> <li>▪ Foothill Growth Management Plan</li> <li>▪ <b>County</b> Project Review Committee</li> </ul>
<b>1.3.2</b> Ensure that development proposals conform to all development standards and guidelines to the extent feasible as determined to be reasonable and appropriate by the affected decision makers.		<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> <li>▪ <b>County</b> Project Review Committee</li> </ul>
<b>1.3.3</b> Apply the noise standards found in the Tulare County Health and Safety Element (Part 1 Section 10.8). Utilize recommendations included in the community plan EIR to address and develop feasible noise standards to the extent feasible reflective of a foothill canyon environment.		<ul style="list-style-type: none"> <li>▪ Noise Element</li> </ul>

<b>1.3.4</b> Require adequate setbacks for residential, commercial and industrial uses, including, side and rear yards, landscaping and screening, as determined by the <b>County</b> Project Review Committee.  a. Increase the required front and side yard setbacks for new development.		<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ Overlay Zone</li> </ul>
<b>1.3.5</b> Require standards for signage in Three Rivers, including regulations for: size, height, scale, color, lighting, and material. Incorporate Caltrans signage standards with community standards, as they apply to Highway 198.  a. Balance reasonable business considerations with community design standards that are feasible to direct persons within appropriate sight distances that will determine, size, height, and bulk. b. Prohibit the use of exterior neon or blinking signs and source lit signs.		<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ <b>County</b> Project Review Committee</li> </ul>
<b>1.3.6</b> Establish lighting standards and guidelines to minimize light pollution, glare, and light trespass and to protect the dark skies in Three Rivers.  a. Require outdoor light fixtures on public and private property to be fully shielded.  b. Externally illuminated signs, displays, and building		<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ Development Regulations (Building Code)</li> <li>▪ <b>County</b> Project Review Committee</li> </ul>

	<p>identification shall use top mounted light fixtures which shine light downward and which are fully shielded.</p> <p>c. Require motion sensors for security purposes, rather than intrusive security lights.</p> <p>d. Require that lights are pointed in a downward direction, and are turned off when not in use or if the business is not open.</p> <p>e. Restrict the use of commercial lights during nighttime hours to indirect, non-glaring lighting.</p> <p>f. <u>Consider the International Dark Sky Association Model Ordinance to establish lighting standards and guidelines to minimize light pollution, glare, and light trespass.</u></p>	
	<p><b>1.3.7</b> Establish vegetation standards for residential and commercial development, and encourage the use of native vegetation in landscaping, when visible to common roadways.</p> <p>a. Encourage the use of drought resistant vegetation.</p> <p>b. Minimize the disturbance of existing vegetation.</p> <p>c. Prohibit the use of non-invasive plant species.</p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>1.3.8</b> Establish rural walkable communities' guidelines to maintain the rural character for roadways, paths, and sidewalks to ensure that they are compatible with the natural environment and scenic resources.</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ Development Review</li> </ul>
	<p><b>1.3.9</b> Establish standards for fences and other similar structures to ensure that they are aesthetically pleasing, and compatible with the character of the neighborhood.</p>	<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>1.3.10</b> Implement a residential development height standard of 35 feet, based on the existing policies of the FGMP.</p>	<ul style="list-style-type: none"> <li>▪ Foothill Growth Management Plan</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>1.3.11</b> Implement the standards of the Scenic Corridor Zoning Provision.</p>	<ul style="list-style-type: none"> <li>▪ Scenic Corridor Designation</li> </ul>
	<p><b>1.3.12</b> FGMP-6.3 Development Along Scenic Highways The County shall require that development along all scenic highways and routes meet the development standards of the FGMP.</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>
	<p><b>1.3.13</b> SL-4.1 Design of Highways  The County shall work with Caltrans and Tulare County Association of Governments (TCAG) to ensure that the design of State Highway</p>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> </ul>

	<p>198 protects scenic resources and provides access to vistas of working and natural landscapes by:</p> <ol style="list-style-type: none"> <li>Limiting the construction of sound walls that block views of the County’s landscapes (incorporate setbacks to sensitive land uses to avoid noise impacts whenever feasible),</li> <li>Using regionally-appropriate trees and landscaping and incorporating existing landmark trees,</li> <li>Preserving historic and cultural places and vistas,</li> <li>Avoiding excessive cut and fill for roadways along State scenic highways and County scenic routes, and along areas exposed to a large viewing area, and</li> <li>Promote highway safety by identifying appropriate areas for traffic pull-outs and rest areas.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> </ul>
	<p><b>1.3.14 SL-4.2 Design of County Roads</b>  The County’s reinvestment in County roads in the Three Rivers UDB should, in addition to meeting functional needs and safety needs, preserve the experience of traveling on the County’s “country roads” by:</p> <ol style="list-style-type: none"> <li>Maintaining narrow as possible rights-of-ways,</li> <li>Limiting the amount of curbs, paved shoulders, and other “urban” edge improvements,</li> <li>Preserving historic bridges and signage, and</li> <li>Promote County road safety by identifying appropriate areas for traffic pull-out.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>
	<p><b>1.3.15 PF-2.7 Improvement Standards in Communities</b>  The County shall require development within the designated UDBs to meet standards for improvements as determined reasonable and appropriate by requiring that development respond to its context, be compatible with the traditions and character of the community, and develop in an orderly fashion which is compatible with the scale of surrounding structures. Typical improvements may include infrastructure such as streets, and community wastewater and water systems as determined to the extent feasible to be reasonable and appropriate by the affected decision makers.</p>	<ul style="list-style-type: none"> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>1.3.16 LU-1.7 Development on Slopes</b>  The County shall require a preliminary soils report for development projects in areas with shallow or unstable soils or slopes in excess of 15 percent. If the preliminary soil report indicates soil conditions could be unstable, a detailed geologic/hydrologic report by a registered geologist, civil engineer, or engineering geologist shall be required demonstrating the suitability of any proposed or additional development.</p>	<ul style="list-style-type: none"> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>

<b>Objective 1.4 Quality Office, Commercial and Light Industrial Development:</b> Establish and apply development and design standards to ensure quality professional office, commercial, and light, non-polluting industrial development.	
<b>1.4.1</b> Design professional office, commercial and light, non-polluting, industrial developments to minimize adverse traffic impacts to residential areas.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>
<b>1.4.2</b> Require office, commercial, and light industrial development to provide a naturally planted buffer strip, including shade trees, to separate the structures and the parking areas from State Highway 198.	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ County Project Review Committee</li> </ul>
<b>1.4.3</b> Establish landscaping, screening, and visual standards for commercial and industrial uses along Highway 198.	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> </ul>
<b>1.4.4</b> Require automobile storage yards and commercial and multi-family trash bins to be screened from view.	<ul style="list-style-type: none"> <li>▪ Development Regulations (Building code)</li> <li>▪ Development Standards</li> </ul>
<b>1.4.5</b> No new commercial resort development proposal which either exceed 40 acres in area or 100 guest rooms shall be allowed without approval of a Planned Unit Development pursuant to Section 18.6, Subsection G of the Tulare County Zoning Ordinance has been secured. (GPA 94-003)	<ul style="list-style-type: none"> <li>▪ PUD</li> </ul>
<b>1.4.6</b> Encourage mixed-use project review under the Planned Unit Development procedure instead of the conventional procedure in order to further achieve and promote the goals, objectives, and policies of this plan.	<ul style="list-style-type: none"> <li>▪ PUD</li> </ul>
<b>1.4.7 AQ-1.4 Air Quality Land Use Compatibility</b> The County shall evaluate the compatibility of industrial or other developments which are likely to cause undesirable air pollution with regard to proximity to sensitive land uses, and wind direction and circulation in an effort to alleviate effects upon sensitive receptors.	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b>1.4.8 HS-8.8 Adjacent Uses</b> The County shall not permit development of new industrial, commercial, or other noise-generating land uses if resulting noise levels will exceed 60 dB Ldn (or CNEL) at the boundary of areas designated and zoned for residential or other noise-sensitive uses, unless it is determined to be necessary to promote the public health, safety and welfare of the County.	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b>1.4.9 LU-5.6 Industrial Use Buffer</b> Unless mitigated, the County shall prohibit industrial uses within a minimum of 500 feet from schools, hospitals, or populated	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> </ul>

<p>residential areas (more than 10 dwelling units within a quarter mile diameter area). The buffer area may be used for activities not creating impacts to adjoining sensitive land uses for uses accessory to the heavy industrial use. The establishment of a buffer may not be required when mitigated or may not apply to industrial uses that do not impact adjoining uses identified herein. The buffer area shall be landscaped and maintained. Where the side or rear lot line of a site adjoins any "R" Zone (R-1, R-A, R-O, R-2 or R-3), there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only with an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), and not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the M-1 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County.</p>	<ul style="list-style-type: none"> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

An Urban Development Boundary (UDB) will direct future growth to areas that are appropriate and have the carrying capacity to support development. The UDB will be based on existing development, available land, and environmental and infrastructure constraints. Growth and development shall not occur outside of the growth boundary except as permitted by the Foothill Growth Management Plan (FGMP), and land outside of the UDB will be maintained subject to the policies of the Foothill Growth Management Plan.

<p><b>Objective 1.5 Urban Development Boundary:</b> Establish an Urban Development Boundary (UDB) that is contiguous with the existing Planning Area Boundary.</p>	
<p><b>1.5.1</b> Consider areas within the UDB for future development, with growth directed to specific areas, such as a Town Center.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ UDB</li> </ul>
<p><b>1.5.2</b> Conduct development suitability analyses to determine areas within the UDB that are most suitable for future development.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ Public Health/Safety Requirements</li> </ul>

<p><b>1.5.3</b> Require that development densities within the UDB are consistent with the adopted Community Plan.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> </ul>
<p><b>1.5.4</b> Encourage the application of the Foothill Growth Management Plan (FGMP) policies to areas adjacent to Three Rivers that are outside of the UDB.</p>	<ul style="list-style-type: none"> <li>▪ Foothill Growth Management Plan (FGMP)</li> </ul>
<p><b>1.5.5</b> Prohibit extension of public services outside of the UDB.</p>	<ul style="list-style-type: none"> <li>▪ Extension of Public Services</li> </ul>
<p><b>1.5.6</b> Establish a review of the UDB every five years.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Implementation</li> </ul>
<p><b>1.5.7 PF-2.2 Modification of Community UDB</b>  1. The County may consider modification to a community UDB under any of, but not limited to the following circumstances:  a. The location of the UDB shall be evaluated during preparation or update of a community plan.  b. All community UDBs should be reviewed on a five-year cycle to reflect changes in growth and development patterns.  c. A request for expansion of the UDB boundary can be applied for as part of a General Plan Amendment to the Land Use Diagram.  d. At the request of a special district or the community.  e. A UDB should be considered for expansion at such time as land for infill becomes limited. This condition is considered satisfied when 80 percent of the non-Williamson Act land within the UDB is developed for community uses.  f. UDBs should not be expanded onto Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for expansion.  2. Prior to approval of a UDB boundary expansion, the County shall ensure that infrastructure can be provided to serve the new areas added to the UDB and that sufficient water supplies are also available. This may require preparation of an infrastructure master plan that includes methods of financing of improvements and maintenance, as well as representation/documentation of availability and sufficiency of long-term water supplies.  3. Preservation of productive agricultural lands shall be the highest priority when considering modifications. Expansion of a UDB to include additional agricultural land shall only be allowed when other non-agricultural lands are not reasonably available to the community or are not suitable for expansion.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Implementation</li> </ul>
<p><b>1.5.8 PF-2.8 Inappropriate Land Use</b>  Areas within UDBs are hereby set aside for those types of community land uses which benefit from urban type services. Permanent uses which do not benefit from such urban type services shall be discouraged within the UDBs. This is not intended to apply to agricultural or agricultural supported uses, including the cultivation of land or other uses accessory to the cultivation of land, provided that such accessory uses are time-limited through special use permit procedures.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

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One of the shared visions for Three Rivers is a community with a strong central core area with clustered commercial development. Concentrated or clustered commercial development serves several purposes. A concentration of commercial development can help create a focal point or town center for the community, and can also reinforce a sense of place and community identity.

Community residents have a desire for a central area that can serve as a formal gathering place for civic events, as well as an informal gathering space where residents and visitors can shop, eat, and socialize. A concentrated commercial development in the center of the community can provide this space

Directing the commercial development to a central area will help to limit scattered development in areas that are not appropriate for that scale and intensity of development. Clustered commercial development may also help to reduce traffic impacts throughout the community.

<b>Objective 1.6 Town Center:</b> Create a Town Center in the community with a concentration of commercial, retail and social services to help strengthen Three Rivers as a livable community.		
	1.6.1 Designate a “Town Center” and –or “Town Center “sites in Three Rivers as a potential future town center for the community.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> </ul>
	1.6.2 Develop a Specific Plan for the Town Center to ensure the appropriate mix of uses for this area of Three Rivers and a high quality development.	<ul style="list-style-type: none"> <li>▪ Specific Plan</li> </ul>
	1.6.3 Require commercial clustering adjacent to the existing Highway 198 commercial corridor and in the Town Center.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Development Tools</li> </ul>
	1.6.4 Encourage mixed-use development in the Town Center. <ul style="list-style-type: none"> <li>a. Establish a mixed-use land use designation and zone.</li> <li>b. Integrate new high density residential uses with planned commercial areas in the Town Center.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Development Tools</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	1.6.5 SL-3.1 Community Centers and Neighborhoods The County shall support investments in unincorporated communities to improve the image, quality of infrastructure, amenities, and visual character by: <ul style="list-style-type: none"> <li>a. Encouraging restoration of existing historic buildings and developing new buildings that reflect the local culture and climate,</li> <li>b. Creating or enhancing overall community design frameworks with a hierarchy of connected block and street patterns, open spaces, town centers, neighborhoods, and civic facilities,</li> <li>c. Reducing the need for sound-walls and gated neighborhoods by having residential and non-residential uses interface along streets and open spaces (not adjoining property lines) and locating residential uses on local-serving streets,</li> </ul>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Design Guidelines</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

<p>d. Planning residential development as interconnected neighborhoods with definable social and physical centers that incorporate parks, schools, and commercial services,</p> <p>e. Enhancing the comfort and scenic experience of transit riders, cyclists, and pedestrians, and</p> <p>f. Developing open spaces, streets, and pedestrian facilities that include landscaping and streetscaping that improve the image of the community and make it a more comfortable pedestrian environment.</p>	

**Objective 1.7 Appropriate Densities-Capacity of Natural Environment:** Encourage development patterns and densities that are based on the capacity of the natural environment.

<b>Policies</b>	<b>Implementation Mechanism</b> (Numbers refer to descriptions of mechanisms, which follow table)
<p><b>1.7.1</b> Base residential densities and intensity on development suitability analysis of the natural environment, including but not limited to: soil suitability, riparian setback requirements, slope gradient, and viewshed analysis.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resource Mapping</li> </ul>
<p><b>1.7.2</b> Base density regulations on suitability of the soils to provide for proper disposal of septic tank effluent and the land's capacity to provide water.</p>	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>1.7.3 Encourage</b> single-family developments to conserve and protect open space, habitat areas, viewsheds, and natural resources from development disturbances.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resource Mapping</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Review</li> <li>▪ County Project Review Committee</li> </ul>

**Objective 1.8 Utilization of Roads and Public Facilities:** Encourage development patterns intensity and densities that will efficiently utilize existing public services within the Three Rivers UDB.

<p><b>1.8.1</b> Require existing and new large-scale developments or subdivisions within the Community Services District to sponsor their share of certain needed public services. New development shall apply for water and wastewater services as reasonable, feasible and appropriate, and these services shall be provided on a service area basis as applicable under jurisdictional authority, i.e. (Mutual Water Company, County Service Area, or Improvement District under the</p>	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> </ul>
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	<p>auspices of the Community Services District).</p> <p>a. Require that engineered disposal systems for new residential, commercial and light industrial development are consistent with the standards of the State Water Quality Control Board, the Tulare County Health Department and Three Rivers Community Services District and be approved by the necessary authorities with respect to the protection of all existing waterways, including but not limited to seasonal and perennial creeks, manmade ditches, and ponds greater than 30' in diameter.</p>	
	<p><b>1.8.2</b> Ensure that new development shall not exceed the maximum physical holding capacity of the parcel consistent with health and safety requirements.</p>	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> </ul>
	<p><b>1.8.3</b> Require sufficient lot area for all new residential development to ensure an adequate area for on-site sewage disposal.</p> <p>a. For properties within the CSD, encourage CSD staff to inspect all new septic system installations.</p> <p>b. Require property owners to repair or replace failing septic systems and require property owners to properly maintain their separate systems.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development Regulations (Zoning and Subdivision Ordinance)</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<p><b>1.8.4</b> Through development review, ensure that utilities are adequately sized to accommodate proposed development.</p>	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> <li>▪ Maintenance Controls</li> <li>▪ Development Review</li> </ul>

**GOAL 2: ECONOMIC VITALITY**

A strong, diversified economic environment within Three Rivers which consistent with the rural and visual atmosphere of the community.

**Objective 2.1 Adequate Land Use Supplies:** Ensure adequate land use supplies for residential, commercial, industrial, and public uses to accommodate future growth within the UDB and constrained by development suitability analysis to ensure the community's economic vitality.

	<p align="center"><b>Policies</b></p>	<p align="center"><b>Implementation Mechanism</b></p> <p align="center">(Numbers refer to descriptions of mechanisms, which follow table)</p>
	<p><b>2.1.1</b> Accommodate light industrial development which does not create nuisance conditions.</p>	<p>CEQA Review</p> <ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development</li> </ul>

		<ul style="list-style-type: none"> <li>Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<b>2.1.2</b> Encourage a mixed use community commercial shopping area and higher density residential development in the “Town Center” area in Three Rivers.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Dev. Tools</li> <li>▪ Specific Plan</li> </ul>
	<b>2.1.3</b> Promote a concentration of industrial, professional office, and commercial activities and high density residential development within selected areas to allow for cost efficient provision of necessary services and to protect residential neighborhoods from negative impacts.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<b>2.1.4</b> Maintain existing commercial areas along State Highway 198 to the extent feasible for highway-oriented commercial development.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
		▪
	<b>2.1.5</b> ED-5.4 Recreational Accommodations The County shall support the development of visitor-serving attractions and accommodations in unincorporated areas near natural amenities and resources that would not be diminished by tourist activities.	<ul style="list-style-type: none"> <li>CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<b>2.1.6</b> ED-5.5 Rivers The County shall encourage the development of recreational activities and promote tourism along the Kaweah, River.	<ul style="list-style-type: none"> <li>CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<b>2.1.7</b> ED-5.6 Lakes The County shall promote Lake Kaweah as a major recreational area that includes camping, water sports, hiking, golf, conference/hotel facilities, and historic attractions.	<ul style="list-style-type: none"> <li>CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<b>2.1.8</b> ED-5.7 Foothills The County shall encourage additional recreational and visitor-serving development in the Sierra and foothills in areas such as Three Rivers.	<ul style="list-style-type: none"> <li>CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
<b>2.1.9</b> ED-5.8 Foothill Gateways	The County shall encourage the identification and development of additional recreational opportunities in the foothills and other areas where there are “gateway opportunities”.	<ul style="list-style-type: none"> <li>CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
<b>2.1.10</b> ED-5.9 Bikeways	The County shall support the enhancement of the County's recreational bikeways and promote the bikeway network as a component of the County's tourism program.	<ul style="list-style-type: none"> <li>CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
<b>2.1.11</b> ED-5.10 Visitor-Serving Business	The County shall encourage visitor-serving businesses to coordinate their advertising.	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<b>2.1.12</b> ED-5.11 Marketing Programs	The County shall regularly evaluate marketing programs and provide assistance to marketing campaigns that attract visitors to the County.	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<b>2.1.13</b> ED-5.13 National Parks Tourism	The County shall work with Sequoia and Kings Canyon National Parks, Giant Sequoia National Monument, Sequoia National Forest, and others to market these areas of the County as tourist destinations.	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<b>2.1.14</b> ED-5.14 Interagency Cooperation	The County shall cooperate with federal land management agencies to develop and promote Three Rivers as a gateway community.	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<b>Objective 2.2 Business Attraction, Expansion, and Retention:</b> To promote business growth and industry diversification and maintain a favorable business climate and a supportive economic foundation.		<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<b>2.2.1</b> ED-2.1 Business Retention	The County shall participate in regional business retention and expansion programs, such as the Rapid Response program to ensure that County services are accessible to businesses.	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<b>2.2.2</b> ED-2.5 Small Business	Recognizing the powerful job creation potential of small businesses, the County shall support entrepreneurial development and small business expansion.	<ul style="list-style-type: none"> <li>▪ County</li> </ul>

<p><b>2.2.3 ED-2.6 Agency Support for Small Businesses</b> The County shall coordinate with other agencies to provide well-tailored services and job creation resources for small businesses, such as incubator zones.</p>	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<p><b>2.2.4 ED-2.8 Jobs/Housing Ratio</b> The County shall strive to achieve a jobs-to-housing ratio of greater than one in areas planned for development.</p>	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<p><b>Objective 2.3 Agricultural Development:</b> Support agricultural development for economic benefit, visual diversity, and open space preservation.</p>	
<p><b>2.3.1</b> Designate areas on the Land Use Plan for agricultural land and grazing activities.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> </ul>
<p><b>2.3.2</b> Encourage agricultural land currently not in the Williamson Act to enter Agricultural Preserves Contracts pursuant to the Williamson Act.</p>	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<p><b>2.3.3</b> Require that new development does not interfere with established agricultural water rights.</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Development Review</li> </ul>
<p><b>2.3.4</b> Provide economic incentives to lessen development pressure on agricultural land and open space such as conservation easements, Williamson Act, mitigation banks and other tax incentives.</p>	<ul style="list-style-type: none"> <li>▪ County</li> </ul>
<p><b>2.3.5</b> Protect extensive and intensive agricultural areas as identified by the community plan from encroachment of non-agricultural uses through the use of large lot exclusive agricultural zoning.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>Objective 2.4 Commercial Development:</b> Support commercial development for economic benefit, visual diversity, and open space preservation.</p>	
<p><b>2.4.1 ED-6.1 Revitalization of Community Centers</b> The County, through public and private collaboration, shall strive to strengthen the core areas of communities to serve as the center for public, financial, entertainment, and commercial activities.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
<p><b>2.4.2 ED-6.3 Entertainment Venues</b> The County shall encourage the establishment of community and regional entertainment venues within community core areas.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>

	<p><b>2.4.3 ED-6.5 Intermodal Hubs for Community and Hamlet Core Areas</b>  The County shall work with communities and transit providers to develop intermodal hubs that focus on both local and regional bus service.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
	<p><b>2.4.4 ED-6.6 Core Area Beautification</b>  The County shall promote the beautification of communities, hamlet core areas, and mountain service centers.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
	<p><b>2.4.5 ED-6.7 Existing Commercial Centers</b>  The County shall help protect the viability of community retail centers by promoting a business mix that responds to changing economic conditions and provides needed services to surrounding neighborhoods.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
	<p><b>2.4.6 PFS-6.1 Telecommunications Services</b> The County shall work with telecommunication providers to ensure that all residents and businesses have access to telecommunications services, including broadband internet service. To maximize access to inexpensive telecommunications services, the County shall encourage marketplace competition from multiple service providers.</p>	<ul style="list-style-type: none"> <li>▪ County</li> </ul>

It is important to community members that Three Rivers continues to be a livable community with a diversity of housing types and commercial and civic uses. The community would like to ensure that residents are able to find adequate housing opportunities within the area during every stage in their life. This necessitates housing options that are appropriate for families with children as well as for senior citizens.

**GOAL 3: DIVERSE HOUSING OPTIONS**

A diversity of affordable and safe housing options for all Three Rivers residents, including families, seniors, and National Park Service employees.

**Objective 3.1 Housing Mix:** Maintain Three Rivers’ predominant land use of single family residential, while providing for a mix of housing types and affordability levels throughout the community.

	<b>Policies</b>	<b>Implementation Mechanism</b> (Numbers refer to descriptions of mechanisms, which follow table)
	<b>3.1.1</b> Consistent with public health and safety requirements, provide for a variety of residential products in Three Rivers, including senior, low income, rural and estate housing to accommodate the housing needs of all segments of the community’s population.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Review</li> </ul>
	<b>3.1.2</b> Provide information to property owners regarding available state and federal low interest housing loans for rehabilitation of deteriorated units, and assist them in qualifying for these loans.	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>
	<b>3.1.3</b> Designate adequate land to accommodate multi-family and senior housing in an appropriate area such as the Town Center.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<b>3.1.4</b> Promote cluster development of senior and affordable housing options in Three Rivers in an appropriate area such as the Town Center.	<ul style="list-style-type: none"> <li>▪ Design/Dev. Tools</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<b>3.1.5</b> Encourage mixed use development (including housing components) in Three Rivers in an appropriate area such as the Town Center.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Dev. Tools</li> <li>▪ Development Regulations (Zoning)</li> </ul>

**Objective 3.1 Housing Mix (continued)**

	<b>3.1.6</b> Encourage planned cluster residential development that groups residential properties in a proposed subdivision closer together in order to use the rest of the land for open space on suitable sites that can accommodate lot coverage while providing adequate open space to the extent feasible and appropriate given reasonably available and effective mitigation measures.	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ <b>County</b> Project Review Committee</li> </ul>
	<b>3.1.7 Prohibit</b> high density residential developments in areas with sensitive environmental or visual resources and in areas lacking suitable infrastructure or emergency access facilities.	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Natural Resources Mapping</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<b>3.1.8</b> Housing Policy 2.21 Require all proposed housing within the development boundaries of unincorporated communities is either (1) served by community water and wastewater, or (2) that physical conditions permit safe treatment of liquid waste by septic tank	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> </ul>

	systems and the use of private wells.	<ul style="list-style-type: none"> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
	<b>3.1.9</b> Housing Policy 3.11 Support and coordinate with local economic development programs to encourage a “jobs to housing balance” throughout the Three Rivers Community.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
	<p><b>3.1.10</b> Housing Policy 3.12 Support locally initiated programs to provide neighborhood parks and recreational facilities for residential areas within the Three Rivers Community. The County shall use a wide range of funding mechanisms, such as the following, to adequately fund capital improvements, maintenance, and on-going operations for publicly-owned and/or operated facilities:</p> <ol style="list-style-type: none"> <li>1. Establishing appropriate development impact fees,</li> <li>2. Establishing assessment districts, and</li> <li>3. Grant Funding.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ County</li> </ul>
	<b>3.1.11</b> Housing Policy 3.13 Encourage subdivision and housing unit design, which provides for a reasonable level of safety and security.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<b>3.1.12</b> Housing Policy 3.16 Actively seek federal, state, and private foundation grant funds for park and recreation facilities in the Three Rivers Community, including dual-use storm drainage ponding basins/recreation parks that would be implemented through project design to accommodate environmental mitigation. For large projects, encourage through a development agreement, the front loading of park and recreation facilities as a community benefit.	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<b>3.1.13</b> Housing Policy 4.21 Promote energy conservation opportunities in new residential development.	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>3.1.14</b> Housing Policy 4.22 Enforce provisions of the Subdivision Map Act regulating energy-efficient subdivision design.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ CEQA Review</li> </ul>
	<p><b>3.1.15</b> Housing Policy 5.21 Administer and enforce the relevant portions of the Health and Safety Code.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ CEQA Review</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
		<ul style="list-style-type: none"> <li>▪</li> </ul>
<p><b>Objective 3.2 Mobilehomes:</b> Provide a role for mobilehomes in satisfying community housing needs while ensuring that the mobilehome development is attractive and compatible with existing development.</p>		
	<p><b>3.2.1</b> Allow new proposed mobilehome parks and recreation vehicle parks, by Special Use Permit, in designated commercial-recreation areas along State Highway 198 as shown on the plan, or any other suitable areas.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>3.2.2</b> Require mobilehome parks and recreation vehicle parks adjacent to State Highway 198 to be screened from State Highway 198. Utilize such screening measures as masonry walls or other types of architectural fencing, earth berms, rock outcrops, and natural variation to topography. Require the use of natural vegetation where it exists supplemented by additional natural landscaping to soften the visible effect from the highway.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>3.2.3</b> In keeping with health and safety requirements, and complementary with the topography, require screening measures such as skirting or a similar type of architectural screening around the base of the mobilehome to improve mobilehome appearance and safety.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>3.2.4</b> Remove abandoned mobilehomes.</p>	<ul style="list-style-type: none"> <li>▪ Building Inspection</li> <li>▪ Code Compliance</li> </ul>

<p><b>3.2.5</b> Ensure that mobilehome projects are located and designed in a manner that is compatible with existing development patterns and does not detract from the visual quality of the community.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
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**Natural Environment**

The natural environment is Three River’s most valuable asset. The natural resources and diverse landscape of Three Rivers contribute to the beauty, character, and recreational opportunities enjoyed and valued by the community. The natural environment in Three Rivers encompasses the diverse and varied resources, including the Kaweah River, beautiful topography, and cultural resources. Throughout the planning process, the community has stated that maintaining a pristine natural environment and protecting the area’s valuable resources is the top priority in planning for the community’s future.

**GOAL 4: PROTECTION AND CONSERVATION OF THE ENVIRONMENT**

Land use patterns and design solutions which protect and conserve the environmental quality and natural beauty in Three Rivers.

**Objective 4.1 Protection of the Natural Environment:** Protect the natural environment by prohibiting land uses, activities, and development patterns that will have an adverse effect on the environmental quality of Three Rivers.

Policies	Implementation Mechanism <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
<p><b>4.1.1</b> Maintain a serene and attractive natural environment by prohibiting land use activities that create excessive and unwanted noise and/or light in the community.</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>
<p><b>4.1.2</b> Consistent with CEQA, protect water quality and wildlife including sensitive and critical habitat in Three Rivers by prohibiting, to the extent feasible and appropriate, land use activities that endanger water quality and/or wildlife as a result of pollution and/or sedimentation.</p> <p>a. Prohibit, to the extent allowed by law, commercial and industrial development with excessive BOD (Biochemical Oxygen Demand) and COD (Chemical Oxygen Demand) waste water discharge characteristics as described by the State Water Quality Control Board and Army Corps of Engineers.</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Development Review</li> <li>▪ Public Health/Safety Requirements</li> </ul>
<p><b>4.1.3</b> Ensure that new development does not excessively increase traffic flow through existing or planned residential areas. The County shall require an analysis of traffic impacts for land development projects that may generate increased traffic on County roads. Typically, applicants of projects generating over 100 peak hour trips per day or where LOS “D” or worse occurs, will be required to prepare</p>	<ul style="list-style-type: none"> <li>▪ CEQA Review</li> <li>▪ Circulation Plan</li> <li>▪ Development Review</li> </ul>

	and submit this study. The traffic impact study will evaluate impacts from all vehicles, including truck traffic.	
	4.1.4 Design roads in residential subdivisions to minimize through traffic. The internal design of subdivision roadways and layout shall be designed based on the functional classification of each roadway which promotes the utilization of collector and arterial roads to provide through traffic access.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Development Standards.</li> </ul>
	4.1.5 Encourage and Maintain natural drainage courses to ensure that alterations do not lessen their capacity or cause obstructions, erosion, or sedimentation.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ General Development Controls</li> <li>▪ Maintenance Controls</li> <li>▪ Natural Resource Mapping</li> <li>▪ Public Lands/Easements</li> </ul>
	4.1.6 ERM-5.15 Open Space Preservation The County shall preserve natural open space resources through the concentration of development in existing communities, use of cluster development techniques, maintaining large lot sizes in agricultural areas, discouraging conversion of lands currently used for extensive and intensive agricultural production, limiting development in areas constrained by natural hazards, and encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ General Development Controls</li> <li>▪ Maintenance Controls</li> <li>▪ Natural Resource Mapping</li> <li>▪ Public Lands/Easements</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

The Kaweah River is one of the most valuable natural assets in Three Rivers, and is an essential element of the community's unique character and quality natural environment. The floodways and floodplains along the river enhance the quality of life in Three Rivers, and promote biological and habitat diversity in the community. As part of the future vision for Three Rivers, residents would like to preserve the Kaweah River, which maintains its natural course through the community. **Maintaining the Kaweah River in its natural course** describes the dynamic interaction between river flow, river form, people, plants, fish and wildlife to maintain the river in the natural, healthy form.

<b>Objective 4.2 Kaweah River:</b> Protect and preserve the natural features and quality of the Kaweah River and all of its tributaries, both perennial and intermittent.	
<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>

<p><b>4.2.1</b> Protect and preserve the natural features and quality of the floodways of the Kaweah River. "Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map, on maps adopted by the State Reclamation Board when acting within its jurisdiction, and/or on the County Zoning Map (signified by the F-1 Primary Flood Plain Zone).</p> <p>a. Utilize the F-2 Secondary Flood Plain Combining Zone which is intended for application to those areas of the County which lie within the fringe area or setback of the flood plain and are subject to less severe inundation during flooding conditions than occur in the F-1 Zone.</p> <p>b. Prohibit, to the extent allowed by law, structural development within the floodway, unless approved by local, state, or federal agencies with jurisdiction.</p> <p>c. Utilize the development standards in the Tulare County Ordinance Code Chapter 27. Flood Damage Prevention to ensure that permitted development in the floodway is compatible with the natural resources of the corridor.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ Floodway Designation</li> <li>▪ Natural Resource Mapping</li> </ul>
<p><b>4.2.2</b> Protect and preserve the natural features and the quality of the floodplains of the Kaweah River. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. "Base Flood" is the flood having a one percent chance of being equaled or exceeded any given year. "One-hundred-year flood" or "100 year flood" has the same meaning as "base flood." "Special flood hazard area" is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A, AO, A1-A30, AE, A99, or AH on the FEMA FIRM.</p> <p>a. Maintain the 100-year floodway by prohibiting the development of residences or permanent structures within the floodway unless approved by the State Reclamation Board and the County of Tulare in accordance with the requirements of Tulare County Zoning Ordinance Section 14.7 F-1 Primary Flood Plain Zone. (FGMP-8.3 page 3-12.)</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards.</li> <li>▪ Floodway Designation</li> <li>▪ Natural Resource Mapping</li> </ul>
<p><b>4.2.3</b> Enforce applicable standards and regulations regarding floodway and floodplain preservation, and refer projects in the floodway and floodplain to applicable agencies.</p> <p>a. Encourage the appropriate state and federal agencies to update floodway and floodplain maps, and incorporate the updated maps into the planning process.</p> <p>b. Prohibit, to the extent allowed by law, unless authorized by the County or State Reclamation Board for flood control</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Floodway Designation</li> <li>▪ Intergovernmental Coordination</li> <li>▪ Development Regulations (Zoning)</li> </ul>

	<p>management purposes, any obstruction including, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.</p>	
	<p><b>4.2.4</b> Create positive incentives for floodway and floodplain restoration and protection, including conservation easements and land trust management.</p>	<ul style="list-style-type: none"> <li>▪ Floodway Designation</li> <li>▪ Grant Programs</li> <li>▪ Public Lands and Easements</li> </ul>
	<p><b>4.2.5</b> Building improvements (homes, fences, etc.) and septic tank/leach line systems or other activities associated with construction (grading) shall not be permitted within 50’ of an intermittent watercourse or 100’ of a perennial watercourse. Where the combined effect of both standards is to eliminate all potential building sites, the standards shall be interpreted as to allow a minimal building site (no more than one residence or main building), as determined by the County Project Review Committee.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Review</li> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>4.2.6</b> Development proposals located in the designated river floodplain areas shall be subject to the County Project Review Committee.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> <li>▪ Development Standards.</li> </ul>
	<p><b>4.2.7</b> In accordance with CEQA, protect the riparian areas along the Kaweah River and all of its tributaries.</p> <p>a. Discourage the removal of riparian native species, such as sycamores, blue oaks and valley oaks.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>4.2.8</b> Limit and control planting of non-native plants and trees in the riparian areas by review of the County Project Review Committee of the Kaweah River and all of its tributaries utilizing the Introduced, Invasive, and Noxious Plants list from the USDA Natural Resources Conservation Service.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Public Lands and Easements</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>4.2.9</b> Establish a greenway to promote a corridor of protected open space that is maintained for conservation and recreation along the Kaweah River to the extent feasible and appropriate.</p>	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Design/Development Tools</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Public Lands and</li> </ul>

		Easements
<b>4.2.10 HS-5.4 Multi-Purpose Flood Control Measures</b> The County shall encourage multipurpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of the County's streams, creeks, and lakes. Where appropriate, the County shall also encourage the use of flood and/or stormwater retention facilities for use as groundwater recharge facilities.		<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<b>4.2.11 HS-5.9 Floodplain Development Restrictions</b> The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas.		<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>

The area's vast forests and oak woodlands are an important resource to the Three Rivers community. Residents of Three Rivers cite the community's rural character and its proximity to Sequoia National Park as valuable community assets.

<b>Objective 4.3 Oak Woodlands: Protect and preserve oak woodlands.</b>		
	<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<b>4.3.1</b> Removal or grading around native trees (6" or larger in diameter) which may disturb the root system shall not be allowed during the construction process unless the County Project Review Committee deems it is necessary because of road alignment or infrastructure improvements given reasonably available and feasible mitigation measures.	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
	<b>4.3.2</b> Removal of native trees in designated open space areas or on private property shall not be allowed unless the health, safety or welfare of residents associated with the adjacent development is endangered given reasonably available and feasible mitigation measures.  a. Any trees proposed for removal must be indicated on the submitted site plan with accompanying information stating the reason for tree removal.	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ County Project Review Committee</li> <li>▪ Development Standards.</li> <li>▪ Development Review</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Design Guidelines</li> <li>▪</li> </ul>
	<p><b>4.3.3</b> County Project Review Committee shall be utilized for residential development proposals to ensure the preservation of oak woodlands on the site.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> <li>▪ Development Standards.</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
	<p><b>5.3.4</b> Establish a replacement standard of 1:1 to the extent feasible and appropriate for the removal and replacement of oak woodlands given reasonably available and feasible mitigation measures.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> </ul>
	<p><b>4.3.5 Implement</b> an educational program for community residents regarding blue oak woodlands, and encourage community participation in preservation efforts.</p>	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>
	<p><b>4.3.6 Limit</b> and control to the extent feasible and appropriate non-native plant species that threaten native oak woodlands.</p>	<ul style="list-style-type: none"> <li>▪ Development Standards.</li> <li>▪ Public Lands and Easements</li> <li>▪ County Project Review Committee</li> </ul>
	<p><b>4.3.7 ERM-1.12 Management of Oak Woodland Communities</b> The County shall support the conservation and management of oak woodland communities and their habitats.</p>	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> <li>▪ Public Lands and Easements</li> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>4.3.8 ERM-1.4 Protect Riparian Areas</b> The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.</p>	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> <li>▪ Public Lands and Easements</li> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>4.3.9 ERM-1.8 Open Space Buffers</b> The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and</p>	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> <li>▪ Public Lands and Easements Natural Resources Mapping</li> <li>▪ County Project Review</li> </ul>

<p>riparian habitat in their natural state.</p>	<p>Committee</p> <ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>Objective 4.4 Native Vegetation and Habitat:</b> Protect and preserve native vegetation and wildlife habitat areas.</p>	
<p><b>4.4.1</b> Prohibit to the extent feasible and appropriate unnecessary removal of native trees on development sites prior to the approval of development plans to control erosion, preserve wildlife habitat, and maintain the natural character of Three Rivers.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ County Project Review Committee</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
<p><b>4.4.2</b> Restrict to the extent feasible and appropriate the removal of natural vegetation, except for wildland fire prevention purposes.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
<p><b>4.4.3</b> Prevent to the extent feasible and appropriate encroachment of development into riparian habitat areas and habitat of endangered species and wildlife of special concern.</p>	<ul style="list-style-type: none"> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
<p><b>4.4.4</b> Ensure to the extent feasible and appropriate that landscaping of development contains plant material compatible with the surrounding native vegetation.</p>	<ul style="list-style-type: none"> <li>▪ County Project Review Committee</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
<p><b>4.4.5 ERM-1.7 Planting of Native Vegetation</b>  The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Natural Resources Mapping</li> <li>▪ Public Lands and Easements</li> <li>▪ County Project Review Committee</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> </ul>
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Three Rivers’ location in the foothills of the Sierra Nevada at the gateway to Sequoia National Park provides the community with extraordinary views and vistas. To preserve the scenic quality of the region, it is necessary to establish development controls in areas that the community has identified as scenic resources.

The existing Foothill Growth Management Plan contains goals, policies and development standards that help to preserve viewsheds and ridgelines in the region, shall be a resource for policies and standards to preserve visual resources.

<b>Objective 4.5 Visual Resources:</b> Preserve visual resources in Three Rivers, including viewsheds and ridgelines.	
<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
<b>4.5.1</b> Unless otherwise specified in this Community Plan, Implement the policies and standards of the Foothill Growth Management Plan regarding visual resources.	<ul style="list-style-type: none"> <li>▪ FGMP</li> </ul>
<b>4.5.2</b> New development proposals shall be subject to County Project Review Committee to ensure minimal impacts to visual resources.	<ul style="list-style-type: none"> <li>▪ County Project Review Committee</li> </ul>
<b>4.5.3</b> Ensure the quality of design of structures along Highway 198 to maintain the visual quality of the views from the Highway.	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> <li>▪ Development Standards</li> <li>▪ County Project Review Committee</li> </ul>
<b>4.5.4</b> Design roadways to minimize viewshed alteration and impact.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Circulation Plan</li> <li>▪ Design/Development Tools</li> </ul>
<b>4.5.5</b> Design hilltop development to preserve the skyline and maintain an unobstructed scenic panorama.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> </ul>
<b>4.5.6</b> Prohibit development on ridgelines to the extent feasible for new development that causes a significant impact to the skyline and scenic panorama by requiring the development to blend into the landscape rather than becoming a focal point given reasonably available and feasible mitigation measures. The top of structures shall be designed to preserve the skyline and maintain an unobstructed scenic panorama.	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> <li>▪ Development Review</li> <li>▪ Natural Resources Mapping</li> <li>▪ County Project Review Committee</li> </ul>

	<p><b>4.5.7 Prohibit</b> to the extent feasible and appropriate development on slopes 30% or greater, unless the inherent problems associated with developing on steep slopes can be mitigated without excessive grading given reasonably available and feasible mitigation measures.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Natural Resources Mapping</li> </ul>
	<p><b>4.5.8 Require</b> a grading and slope stabilization plan for the portion of the development exceeding slopes of 15% or greater.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> </ul>
	<p><b>4.5.9</b> Prohibit alteration or cutting of existing slopes to the extent feasible and appropriate to decrease the gradient for the purpose of development, prior to the submittal of a development application.</p>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ General Development Controls</li> <li>▪ Natural Resources Mapping</li> <li>▪ <b>County</b> Project Review Committee</li> </ul>

Three Rivers possesses significant historical and cultural resources that the community wishes to preserve and maintain as the area grows. The community is home to historical buildings and structures such as the Kaweah Post Office and historical bridges, as well as Native American cultural resources. According to archaeological surveys, Three Rivers has numerous archaeological sites.

Future development shall be limited and planned to minimize impact on the historical, cultural, and archaeological landscape of the planning area. Buildings and structures of historical and cultural significance shall be well maintained.

<p><b>Objective 4.6 Historical, Cultural and Archaeological Resources:</b> Preserve historical, cultural, and archaeological resources including the Kaweah post office, historical bridges, and Native American cultural resources.</p>		
	<p><b>Policies</b></p>	<p><b>Implementation Mechanism</b></p> <p>(Numbers refer to descriptions of mechanisms, which follow table)</p>
	<p><b>4.6.1</b> Identify historical, cultural, and archaeological resources within the community.</p> <p style="padding-left: 40px;">a. Create a list of historic buildings and structures to be preserved in Three Rivers.</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> </ul>
	<p><b>4.6.2</b> Limit to the extent feasible and appropriate development on sites with identified significant cultural or historical value.</p>	<ul style="list-style-type: none"> <li>▪ Development Regulations (Zoning)</li> </ul>
	<p><b>4.6.3</b> Consider incentives to promote restoration of historic structures and cultural and archeological resources in the community.</p>	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>
	<p><b>4.6.4</b> ERM-6.3 Alteration of Sites with Identified Cultural Resources When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted in these areas only after a site specific investigation has been conducted</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> </ul>

<p>pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.</p>	<ul style="list-style-type: none"> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>4.6.5 ERM-6.4 Mitigation</b>  If preservation of cultural resources is not feasible, every effort shall be made to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>4.6.6 ERM-6.8 Solicit Input from Local Native Americans</b>  The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> </ul>
<p><b>4.6.7 ERM-6.9 Confidentiality of Archaeological Sites</b>  The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> <li>▪ Development Review</li> <li>▪ Design Guidelines</li> <li>▪ Development Standards.</li> <li>▪ County Project Review Committee</li> <li>▪ Development Regulations (Zoning)</li> </ul>
<p><b>4.6.8 ERM-6.10 Grading Cultural Resources Sites</b>  The County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, § 2501 et. seq.</p>	<ul style="list-style-type: none"> <li>▪ Archaeological Survey</li> <li>▪ Development Regulations (Zoning)</li> </ul>

**Public Services**

Community public facilities services are an essential part of the quality of life in Three Rivers. High quality schools and recreation facilities contribute to creating a self-sustaining, healthy community with a sense of identity and character. It is important to maintain these facilities in the future to ensure a high quality environment for all residents and for future generations of Three Rivers residents.

**GOAL 5: PROVIDE PUBLIC SERVICES AND COMMUNITY FACILITIES TO THE COMMUNITY**

High quality public services and community facilities to serve the existing and future needs of Three Rivers.

**Objective 6.1 School Facilities and Programs:** The County shall work cooperatively with the Three Rivers Union Elementary School District to that ensure needed school facilities and educational programs are provided in a timely manner in accordance with the pace of development.

	<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<b>6.1.1</b> The County shall coordinate with the Three Rivers Union Elementary School District to ensure uncrowded classrooms, buses, playgrounds, cafeterias and office space essential to offer a quality educational program.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>

	<b>6.1.2</b> The County shall encourage the school district to plan future development activities, based on 5-year growth projections, with close attention to functional and architectural compatibility.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>
	<b>6.1.3</b> The County shall encourage the school district to study methods of financing and developing a multi-use community school recreation/education building.	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> <li>▪ Intergovernmental Coordination</li> </ul>

**Objective 6.2 Open Space and Recreation Facilities:** Provide sufficient open space, public recreational areas, and facilities for community recreation needs.

	<b>6.2.1</b> Reserve open space for recreational purposes in conjunction with future residential developments.	<ul style="list-style-type: none"> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> </ul>
	<b>6.2.2</b> Facilitate innovation in housing and subdivision design to accommodate private recreation and open space areas.	<ul style="list-style-type: none"> <li>▪ Design/Development Tools</li> </ul>
	<b>6.2.3</b> Develop a community facility in Three Rivers to provide educational, recreational, cultural, and meeting space for community residents.	<ul style="list-style-type: none"> <li>▪ Grant Programs</li> </ul>
	<b>6.2.4</b> Ensure ongoing maintenance of existing and future public recreation areas and facilities.	<ul style="list-style-type: none"> <li>▪ Maintenance Controls</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<b>6.2.5</b> Retain recreational open space in a natural state to avoid high maintenance costs and to maintain compatibility with the natural environment.	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> </ul>

**Objective 6.3: Provision of Water and Wastewater** Continue the efficient provision of water and wastewater services within the Urban Area Boundary (UDB).

	<b>6.3.1</b> Ensure that the provision of public services (water and wastewater) are consistent with the Three Rivers Community Plan	<ul style="list-style-type: none"> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
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	(map and text).	
	<b>6.3.2</b> Provide an adequate, reliable and safe water supply, storage, and distribution system.	<ul style="list-style-type: none"> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<b>6.3.3</b> Require sewage collection systems in planned high density residential and/or commercial areas.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<b>6.3.4</b> Provide adequate wastewater collection and treatment capacity for existing and planned development in Three Rivers that is within the boundaries of the CSD.	<ul style="list-style-type: none"> <li>▪ Extension of Services</li> <li>▪ Public Health/Safety Requirements</li> </ul>
	<b>6.3.5</b> Require commercial areas to form Improvement Districts under the auspices of the Community Services District when community water and wastewater systems are required.	<ul style="list-style-type: none"> <li>▪ Development Regulations</li> </ul>

**Transportation and Public Safety**

Transportation Management in Three Rivers is integral to maintaining the rural character of the community, as well as ensuring public safety and welfare for residents and visitors. Due to its location at the gateway to Sequoia National Park, Three Rivers experiences high volumes of traffic, often at high speeds along Highway 198. Highway 198 is the only means of ingress and egress for the community. Traffic management measures and improvements such as traffic calming shall be utilized to reduce the speed of traffic through the area and to enhance the livability of the community. It is also important to consider the connection between land use and transportation in the community. Locating high intensity, traffic generating uses in close proximity to major roads and transportation corridors will help to minimize traffic impacts throughout the community.

<b>GOAL 6: FOSTER SAFE AND ACCESSABLE TRANSPORTATION/CIRCULATION SYSTEM</b>		
A safe and accessible transportation and circulation system in Three Rivers that enhances the character of the community.		
<b>Objective 7.1 Transportation and Circulation System:</b> Develop a safe and accessible transportation and circulation system in Three Rivers.		
	<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<b>7.1.1</b> Coordinate with Caltrans to establish turnouts and rest areas as traffic calming devices along Highway 198.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>

7.1.2 Create left turn lanes from Westbound Highway 198 onto Cherokee Drive.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> </ul>
7.1.3 Improve ingress and egress safety and access at the Shoshone Inn Location.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> </ul>
7.1.4 Improve ingress and egress safety and access to the Cherokee Oaks area.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> </ul>
7.1.5 Improve pedestrian safety and access in the community, particularly near the elementary school.  a. Construct a pedestrian walkway from the elementary school to the North Fork Bridge.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> </ul>
7.1.6 Establish a Dial-a-Ride program to improve access and mobility for seniors.  a. Participate in the annual Unmet Transit Needs hearing of transit providers.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>
7.1.7 Establish and maintain a high level of traffic enforcement in Three Rivers.	<ul style="list-style-type: none"> <li>▪ Public Health/Safety Requirements</li> <li>▪ Intergovernmental Coordination</li> </ul>
7.1.8 Require the installation of left and right hand turn lanes (as necessary) as development conditions.	<ul style="list-style-type: none"> <li>▪ Development Review</li> </ul>

**Objective 7.2 Access to Transportation:** Ensure that land uses are located with appropriate access to transportation corridors.

Policies	Implementation Mechanism
	(Numbers refer to descriptions of mechanisms, which follow table)
7.2.1 Require public, quasi-public, and high density residential uses to locate where there is direct and safe access to an appropriately designed or improved street.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> </ul>
7.2.2 Require commercial, professional office and light industrial development to locate in areas with adequate access to major transportation corridors.	<ul style="list-style-type: none"> <li>▪ Circulation Plan</li> <li>▪ Community Plan Map</li> <li>▪ Development Review</li> </ul>

There are natural factors in Three Rivers, such as topography and vegetation, which contribute to the quality of the environment, which can also affect emergency and safety access to residential development. It is important to balance the rural character of the community with the need for adequate emergency and safety access.

<b>GOAL 7: PROVIDE ADEQUATE EMERGENCY AND SAFETY ACCESS</b>
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Adequate emergency and safety access to all development in Three Rivers.

**Objective 8.1 Adequate Emergency Access:** Ensure adequate access for emergency and safety vehicles, consistent with the State Response Area (SRA) standards.

	<b>Policies</b>	<b>Implementation Mechanism</b> <small>(Numbers refer to descriptions of mechanisms, which follow table)</small>
	<b>8.1.1</b> Incorporate residential safety standards, including driveway standards, address coding, and adequate street widths.	<ul style="list-style-type: none"> <li>▪ Development Standards</li> <li>▪ Public Health and Safety Requirements</li> </ul>
	<b>8.1.2</b> Require that new development is accessible to the Tulare County Fire Department and Sheriff’s Department.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development Standards</li> <li>▪ Intergovernmental Coordination</li> <li>▪ Public Health and Safety Requirements</li> </ul>
	<b>8.1.3</b> Pursue a local fire station and ambulance service in Three Rivers that will be operational throughout the entire year.	<ul style="list-style-type: none"> <li>▪ Intergovernmental Coordination</li> </ul>
	<b>8.1.4</b> Ensure that the rural characteristics of the community are maintained, along with the improvements to emergency access and public safety.	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development Standards.</li> </ul>
	<p><b>8.1.5</b> Create and implement a numbering and identification system for all residences and businesses to ensure that they can be readily accessed by fire, ambulance, and law enforcement personnel and vehicles in the event of an emergency.</p> <ul style="list-style-type: none"> <li>a. Adequate numbering will be a development condition for future development.</li> <li>b. Ensure that this system is consistent between all effected agencies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Development Review</li> <li>▪ Development Standards.</li> <li>▪ Intergovernmental Coordination</li> </ul>

**(b) Tulare County Zoning Ordinance Adopted Section 14.7: "F-1" Primary  
Flood Plain Zone (Information).**

**SECTION 14.7: "F-1" PRIMARY FLOOD PLAIN ZONE**

(Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 2741, effective 12-4-86)

**PURPOSE:**           A.     The purpose of the Primary Flood Plain Zone shall be the prevention of loss of life, the minimization of property damage, and the maintenance of satisfactory conveyance capacities of waterways through the prevention of encroachments by obstructions in the floodway which may diminish the ability of the floodway to carry overloads during periods of flooding. This Zone is to be used in concert with the flood damage prevention regulations established in Chapter 8 of Part VII of the Ordinance Code of Tulare County. However, it shall only be delineated on the County Zoning Map when necessary to conform to the County General Plan or when necessary to establish flood plain regulations after completion of a Federal project report pursuant to Section 8411 of the California Water Code.

**APPLICATION**       B.     This zone may function either as an exclusive zone or in combination with other zones and may be applied only to those areas within the boundaries of the Selected Flood which have been determined to be the floodway area through an analysis of flood frequency, natural topography, bank erosion, channel shifts, flood profiles, velocity of flood waters or other applicable factors.

**USE**                 C.     1.     When the Zoning Map indicates that the F-1 Zone is an exclusive zone, only the following uses shall be permitted provided such uses are authorized pursuant to the procedures set forth in Chapter 8 of Part VII of the Ordinance Code of Tulare County:

The growing and harvesting of field crops, vines, vegetables and horticultural specialties, excluding trees.

The operation of apiaries.

The grazing of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.

The raising of poultry.

Wildlife preserves.

One (1) non-expandable recreation vehicle having no permanently attached or detached accessory structures, for each parcel of property under separate ownership, for use only by the owner of the property and/or his guests. Said recreation vehicles shall be maintained in a readily movable state and shall be located on the property only during the months of May through November, inclusive, and shall be removed from the property during the months of December through April, inclusive.

Public utility facilities, except those structures for which a use permit is required as specified under Subsection "D" of this Section.

Flood control channels, surface water spreading grounds, stream bed retarding basins, and other similar facilities which have been approved by the Tulare County Flood Control District.

Parking lots provided any grading or structures do not significantly restrict the carrying capacity of the floodway.

2. When the Zoning Map indicates that the F-1 Zone is combined with other zones, only the following uses shall be permitted:

All those uses listed under Paragraph 1 of this subsection which are allowed in the underlying or base zone.

Single family dwellings, mobilehomes and accessory residential and agricultural structures shall be allowed if they are allowed in the underlying or base zone, provided that all construction or installations are approved in accordance with the procedures referred to in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

All uses allowed in the underlying or base zone which are not allowed under Paragraph 1 of this subsection if approved in accordance with the procedures referred to in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

## USE PERMITS

D. The following uses, buildings and structures shall be permitted in this zone only if a Use Permit is approved pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance.

1. When the Zoning Map indicates that the F-1 Zone is an exclusive Zone:

Private and public recreational uses such as: parks, aquatic facilities, campgrounds, recreation vehicle parks, playgrounds, athletic fields, golf courses, golf driving ranges, fishing and hunting clubs.

Temporary and readily removable structures accessory to agricultural uses.

Public utility structures.

Excavation and removal of rock, sand, gravel and other materials; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County.

2. When the Zoning Map indicates that the F-1 Zone is combined with other zones:

All those uses listed under Paragraph 1 of this subsection which are allowed in the underlying or base zone.

All uses which may be permitted subject to the granting of a Use Permit in the underlying or base zone.

Said Use Permit shall be granted only if it is found that any building or structure to be constructed will conform to the requirements set forth in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

**(c) Tulare County Zoning Ordinance Adopted Section 14.7: "F-2" Secondary  
Flood Plain Combining Zone (Information).**

**SECTION 14.8: "F-2" SECONDARY FLOOD PLAIN COMBINING ZONE**

(Added by Ord. No. 1371, effective 4-16-70; repealed by Section 8 of Ord. No. 2741, effective 12-4-86.)

**ORDINANCE  
NO. 2741**

Section 9 of Ordinance No. 2741 states as follows:

"It is the intent of the Board of Supervisors of the County of Tulare that Section 8 of this Ordinance not be effective until the County Zoning Map has been amended to change all existing "F-2" zoning designations to other zoning classifications, in accordance with the procedures established in Section 17 of Ordinance No. 352 for changing zone boundaries or classifications."

**PURPOSE**

A. The purpose of the Secondary Flood Plain Combining Zone shall be the protection of life and property from the hazards and damages which may result from flood waters of the selected flood magnitude. This zone is intended for application to those areas of the County which lie within the fringe area of the flood plain and are subject to less severe inundation during flooding conditions than occur in the F-1 Zone.

**APPLICATION**

B. This zone is intended to be combined with other zones and may be applied only to those areas located within the boundaries of the selected flood which lie outside the "F-1" Primary Flood Plain Zone, as determined through an analysis of flood frequency, natural topography, bank erosion, channel shifts, flood profiles, velocity flows or other applicable factors.

**USE**

- C. Only the following uses are allowed in the F-2 Zone:
1. All those uses listed under Subsection C of Section 14.7 of this Ordinance which are allowed in the underlying or base zone.
  2. Single family dwellings and accessory residential and agricultural structures shall be allowed if they are allowed in the underlying or base zone, only if they comply with one or more of the following conditions:
    - a. The bottom of the structural floor of any such building will be above the selected flood profile level as shown on the Zoning Map for the building site; or,
    - b. All permanent buildings will be protected from

flooding by dikes, levees or other flood protection works whose design has been approved by the Tulare County Flood Control District.

**USE PERMITS**

**D.** The following uses, buildings and structures shall be permitted in the "F-2" Zone only if a Use Permit is approved subject to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:

1. All uses allowed in the underlying or base zone which are not allowed under Subsection C of this Section.
2. All uses which may be permitted under USE Permit in the underlying or base zone.
3. Additions or structural modifications to all existing structures and accessory structures which do not comply with the requirements in Subsection C of this Section.

Said Use Permit shall be granted only if it is found that any building or structure to be constructed will be so constructed or located, or will be so protected by levees or other methods of flood proofing as to render them either resistant to flotation or immune to extensive damage by flooding, and to prevent peripheral flooding of other properties as a result of such construction.

**(d) Tulare County Ordinance Code Adopted Chapter 27. Flood Damage Prevention (Information).**

## CHAPTER 27. FLOOD DAMAGE PREVENTION

### ARTICLE 1. GENERAL PROVISIONS

#### **7-27-1000 STATEMENT OF PURPOSE:**

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize the need for rescue and relief efforts associated with flooding;
- (c) To minimize potential property losses in special flood hazard areas;
- (d) To minimize damage to public facilities and utilities located in areas of special flood hazard;
- (e) To insure that potential buyers are notified that property is in an area of special flood hazard;  
and
- (f) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **7-27-1001 STATUTORY AUTHORIZATIONS:**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of the County of Tulare does hereby adopt the floodplain management regulations set forth in this Chapter.

(Amended by Ord. No. 3212, effective 10-29-98)

#### **7-27-1002 FINDINGS OF FACTS:**

The flood hazard areas of the County of Tulare are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

(Amended by Ord. No. 3212, effective 10-29-98)

#### **7-27-1005 METHODS OF REDUCING FLOOD LOSSES:**

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- (d) Controlling, filling, grading, dredging, and other development which may increase flood damage.
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**7-27-1010 DEFINITIONS:**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"ACCESSORY USE" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"ALLUVIAL FAN" is an area subject to flooding when the floodplain is comprised of low flow channels where sediment accompanies the shallow flooding and the unstable soils scour and erode during a flooding event.

"APPEAL" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter.

"AREA OF SHALLOW FLOODING" is a designated Zone A, AO, A1-A30, AE, A99, or AH on the Flood Insurance Rate Map. In these zones, the base flood depths range from one to three feet; a clearly defined channel does not exist; the noticeable path of flooding is unpredictable and indeterminate; and noticeable velocity flow may be evident.

"AREA OF SPECIAL FLOOD HAZARD" has the same meaning as "SPECIAL FLOOD HAZARD AREA."

"BASE FLOOD" is the flood having a one percent chance of being equaled or exceeded any given year.

"BASEMENT" means any area of the building having its floor subgrade (below ground level on all sides).

"BREAKAWAY WALLS" are any types of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is so designed as to break away under abnormal flood conditions without damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters.

"BUILDING" has the same meaning as "Structure."

"BUILDING PERMIT" means a permit issued pursuant to Chapter 15 of Part VII of the Ordinance Code, including a mobile home installation permit.

"DEVELOPMENT" is any man-made change to improved or unimproved real estate (including filling, grading, paving, excavation, mining, dredging, storage of equipment or materials, or drilling operations) located within the area of special flood hazard.

"ENCROACHMENT" means the advance of infringement of uses, plant growth, fill, excavation, building, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the County.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FLOOD" OR "FLOODING" is a general and temporary condition of a partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland waters and/or
- (b) The unusual and rapid accumulation of runoff of surface waters from any source.

"FLOOD BOUNDARY FLOODWAY MAP" is the official map on which the Federal Emergency Management Agency has delineated both the areas of flood hazards and the floodways.

"FLOOD HAZARD BOUNDARY MAP" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"FLOOD INSURANCE RATE MAP" or "FIRM" is the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" is the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"FLOODPLAIN" OR "FLOOD-PRONE AREA" means any land area susceptible to being inundated by water from any source. Also see "Flood" or "Flooding."

"FLOODPLAIN ADMINISTRATOR" is the individual or individuals appointed to administer and/or enforce the floodplain management regulations. See Section 7-27-1095.

"FLOODPLAIN MANAGEMENT" means the operation of an overall program of the corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"FLOODPLAIN MANAGEMENT REGULATIONS" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"FLOODPROOFING" means any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93 and TB 7-93 for guidelines on dry and wet floodproofing).

"FLOOD-RELATED EROSION" is a condition that exists in conjunction with a flooding event that alters the composition of the bank of a watercourse and increases the possibility of loss due to the erosion of the land area adjacent to the watercourse.

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map, on maps adopted by the State Reclamation Board when acting within its jurisdiction, and/or on the County Zoning Map (signified by the F-1 Primary Flood Plain Zone).

"FLOODWAY FRINGE" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"FRAUD AND VICTIMIZATION," as related to Section 7-27-1265 of this Chapter pertaining to variances, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Governing Body will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years; that buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, damage and suffering that those increased flood damages bring; and that, in addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"GOVERNING BODY" means the Board of Supervisors of the County of Tulare which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"HABITABLE FLOOR" means any floor usable for living purposes, which includes working, sleeping, eating or recreation, or a combination thereof. For flood insurance purposes, "Habitable floor" and "Lowest floor" will share the same definition.

"HARDSHIP" as related to Section 7-27-1265 of this Chapter pertaining to variances means the exceptional hardship that would result from a failure to grant the requested variance. The hardship justifying a variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot as a rule qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"HIGHEST ADJACENT GRADE" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"HISTORIC STRUCTURE" means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"LEVEE" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"LEVEE SYSTEM" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area, including basement (see definition of "Basement"), as follows:

- (a) An unfinished or flood resistant enclosure below the lowest floor that is useable for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements including but not limited to:
  - (1) the wet floodproofing standard in Section 7-27-1180,
  - (2) the anchoring standards in Section 7-27-1170,

- (3) the construction materials and methods standards in Section 7-27-1175,
- (4) The standards for utilities in Section 7-27-1200.

(b) For residential structures, all the subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for the use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"MARKET VALUE" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"MEAN SEA LEVEL" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"MOBILE HOME" is a structure, including a manufactured home certified under the National Mobile Home Construction and Safety Standards Act of 1974, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers placed on a site for less than 180 consecutive days, or factory-built housing on permanent slab foundation.

"NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this Chapter, and includes any subsequent improvements to such structures.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Chapter.

"OBSTRUCTION" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.

"ONE-HUNDRED-YEAR FLOOD" or "100 YEAR FLOOD" has the same meaning as "BASE FLOOD."

"PUBLIC SAFETY AND NUISANCE" as related to Section 7-27-1265 of this Chapter pertaining to variances means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

"RECREATIONAL VEHICLE" means a vehicle which is:

- (a) Built on a single chassis,
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection,
- (c) Designed to be self-propelled or permanently towable by a light-duty truck, and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"REGULATORY FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"REMEDY A VIOLATION" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"RIVERINE" means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, or other similar watercourses.

"SHEET FLOW AREA" has the same meaning as "Area of shallow flooding."

"SPECIAL FLOOD HAZARD AREA" is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A, AO, A1-A30, AE, A99, or AH on the FIRM.

"START OF CONSTRUCTION" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The "actual start" means either the first placement of

permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the installation of a mobile home to its permanent site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"STRUCTURE" is a walled and roofed building or mobile home that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"SUBSTANTIAL IMPROVEMENT" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"VARIANCE" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

"VIOLATION" means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as the documentation is provided.

"WATER SURFACE ELEVATION" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of the coastal or riverine areas.

"WATERCOURSE" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Amended by Ord. No. 3212, effective 10-29-98; amended by Ord. No. 3425, effective 6-9-11; amended by Ord. No. 3436, effective 3-29-12)

**7-27-1015 APPLICATION:**

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the County of Tulare.

**7-27-1020 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:**

The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Tulare County, California," dated September 29, 1986, with an accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated September 29, 1986, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the County Public Works Department.

(Amended by Ord. No. 3212, effective 10-29-98)

**7-27-1025 COMPLIANCE:**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.

**7-27-1030 ABROGATION AND GREATER RESTRICTIONS:**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another chapter, ordinance, easement, covenant, or deed restriction, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**7-27-1035 INTERPRETATION:**

In the interpretation and application of this Chapter, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the County of Tulare.
- (3) Deemed neither to limit or repeal any other powers granted under state statutes.

**7-27-1040 WARNING AND DISCLAIMER OF LIABILITY:**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the County of Tulare, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result reliant on this Chapter or any administrative decision lawfully made thereunder.

**7-27-1041 SEVERABILITY:**

This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole or any portion thereof, other than the section so declared to be unconstitutional or invalid.

(Amended by Ord. No. 3212, effective 10-29-98)

**ARTICLE 3. ADMINISTRATION****7-27-1090 ESTABLISHMENT OF BUILDING PERMIT:**

A Building Permit shall be obtained in accordance with Chapter 15 of this Part before construction or development is commenced within any area of special flood hazard established in section 7-27-1020 of this Chapter. In addition to the requirements of Chapter 15, an application for a Building Permit shall be made on forms furnished by the Planning and Development Director and may include, but not be limited to: plans in duplicate scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Site plan, including but not limited to:
  - (1) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; and
  - (2) Proposed locations of water supply, sanitary sewer, and utilities; and
  - (3) If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
  - (4) If applicable, the location of the regulatory floodway; and
- (b) Foundation design detail, including but not limited to:
  - (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - (2) For a crawl-space foundation, location and total net area of foundation openings as required in Section 7-27-1180 of this Chapter and FEMA Technical Bulletins TB1-93 and TB7-93; and
  - (3) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test method); and
- (c) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 7-27-1180 of this Chapter and FEMA Technical Bulletin TB 3-93; and
- (d) All appropriate certifications listed in Section 7-27-1180 of this Chapter; and

- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **7-27-1095 DESIGNATION OF RESPONSIBILITY:**

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The Planning and Development Director and Public Works Director are hereby appointed as Floodplain Administrators to jointly administer and implement this Chapter by granting or denying building permit applications in accordance with its provisions.

(Amended by Ord. No. 3212, effective 10-29-98)

#### **7-27-1100 JOINT DUTIES AND RESPONSIBILITIES:**

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The joint duties and responsibilities of the Planning and Development Director and Public Works Director shall include, but not be limited to:

(a) Development Review:

- (1) Review of all building permits to determine that the permit requirements of this Chapter have been satisfied.
- (2) Review of all other required state and federal permits have been obtained.
- (3) Review of all permits to determine that the site is reasonably safe from flooding.
- (4) Review of all building permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Chapter, "adversely affected" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (5) Review of all proposals for the development of five (5) or more lots or dwelling units to assure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development.

(b) Review Use and Develop Other Base Flood Data:

- (1) When the base flood elevation data has not been provided in accordance with section 7-27-1020 (special flood hazard areas designated as Zone A on the FIRM), the Planning and Development Director and Public Works Director shall obtain, review, and reasonably utilize the best base flood data available from any source (federal, state, or other) such as: high water mark(s), floods of record, or private engineering reports, in order to administer Article 5 of this Chapter and provide the developer with an estimated base flood elevation.
- (2) If no base flood elevation data is available from a federal or state or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas—A Guide for obtaining and developing Base (100 year) Flood Elevations" dated July 1995 in order to administer Article 5:

- (A) Simplified method.

- (i) 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
    - (ii) Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
  - (B) Detailed method. The 100 year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, published in July 1995 and titled: "Managing Floodplain Development in Approximate Zone A Areas—A Guide for obtaining and developing Base (100 year) Flood Elevation."
  - (C) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
    - (i) Certification required by Section 7-27-1180 and Section 7-27-1210 (lowest floor elevations).
  - (D) Map Determinations. Make interpretations, where needed, as to the exact location of the boundaries of the special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 7-27-1315.
  - (E) Remedial Action. Take action to remedy violation of this Chapter as specified in Section 7-27-1025.
- (c) Notification of other agencies:
- (1) Alteration or relocation of a watercourse:
    - (A) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
    - (B) Submit evidence of such notification to the Federal Emergency Management Agency; and
    - (C) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
  - (2) Base Flood Elevation changes due to physical alterations:
    - (A) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
    - (B) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision

(CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(3) Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

(Amended by Ord. No. 3212, effective 10-29-98; amended by Ord. No. 3425, effective 6-9-11; amended by Ord. No. 3436, effective 3-29-12)

### **7-27-1105 DUTIES AND RESPONSIBILITIES OF THE PLANNING AND DEVELOPMENT DIRECTOR:**

The duties and responsibilities of the Planning and Development Director shall include, but not be limited to:

(a) Referral and inspection:

- (1) Refer all building permits for property located within special flood hazard areas to the Public Works Director for review prior to approval.
- (2) Inspect all construction, including installation of mobilehomes, to insure compliance with the requirements of this Chapter.

(b) Information to be Obtained and Maintained: Obtain and maintain for public inspection and make available as needed for flood insurance policies:

- (1) The certified elevation required in section 7-27-1180(a); (residential)
- (2) The certification required in section 7-27-1180(b); (shallow flooding)
- (3) The certification required in section 7-27-1180(c); (Zone A)
- (4) The floodproofing certification required in section 7-27-1180(d); (non residential)
- (5) The certified elevation required in section 7-01-2035; (subdivision) and
- (6) The anchoring and compliance certification required in section 7-27-1210(b) and (d) (mobile-home).

(c) FEMA Reports:

Upon request by the Federal Emergency Management Agency (FEMA), prepare and submit reports to FEMA concerning the County's participation in the National Flood Insurance Program.

**7-27-1110 DUTIES AND RESPONSIBILITIES OF THE PUBLIC WORKS DIRECTOR:**

The duties and responsibilities of the Public Works Director in his capacity as Engineer to the Tulare County Flood Control District shall include, but not be limited to:

(a) Alteration of Watercourses: Notify adjacent cities and counties and the California Department of Water Resources prior to any alteration or relocation of a watercourse, submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(b) Interpretation of Flood Insurance Rate Map (FIRM) Boundaries: Provide interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, the applicant may file for a "Letter of Map Amendment" (LOMA) in accordance with the National Flood Insurance Program. The LOMA may be filed with the Public Works Director for transmittal to FEMA in the manner provided by law.

(Amended by Ord. No. 3425, effective 6-9-11)

**7-27-1115 FLOOD CONTROL MASTER PLAN:**

The Board of Supervisors, Planning Commission, Site Plan Review Committee and Zoning Administrator shall weigh all requests for future floodplain development against the Flood Control Master Plan of the Tulare County Control District. Consideration of the following elements are required before approval:

- (1) Determination of whether or not a proposed development is in or affects a known flood plain.
- (2) Inform the public of the proposed activity.
- (3) Determine if there is a practicable alternative or site for the proposed activity.
- (4) Identify the impact of the activity on the flood plain.
- (5) Provide a plan to mitigate the impact of the activity in accordance with the provisions in section 7-27-1100(a)(4).

**ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION****7-27-1165 STANDARDS OF CONSTRUCTION:**

In all areas of special flood hazard shown on the FIRM, the standards set forth in this Article shall be required.

**7-27-1170 ANCHORING:**

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All mobilehomes shall meet the anchoring standards of section 7-27-1210(a).

**7-27-1175 CONSTRUCTION MATERIALS AND METHODS:**

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- (a) All new construction and substantial improvements shall be constructed with flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvement shall use methods and practices that minimize flood damage.
- (c) All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., shall be elevated to or above the base flood elevation or depth number specified on the Flood Insurance Rate Map (FIRM).
- (d) If within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Amended by Ord. No. 3212, effective 10-29-98)

**7-27-1180 ELEVATION AND FLOODPROOFING:**

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- (a) New construction and substantial improvement of any structure shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the optional standards in paragraph (d) of this Section. Prior to issuance of the occupancy permit or certificate, the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or land surveyor that the elevation requirements have been met and verified by the County Surveyor. Notification of compliance shall be recorded as set forth in Section 7-27-1105(b).
- (b) New construction and substantial improvement of any structure in Zone AO shall have the bottom of the lowest floor, including basement, elevated to or above the depth number specified on the Flood Insurance Rate Map (FIRM) as measured from the highest adjacent grade. Nonresidential structures may meet the optional standards in paragraph (d) of this Section. Prior to issuing the occupancy permit, compliance with the elevation requirement shall be certified by a registered civil engineer or land surveyor and verified by the County Surveyor. Notification of compliance shall be recorded as set forth in Section 7-27-1105(b).
- (c) If no base flood elevation or depth number is provided on the FIRM (Zone A), any new construction or substantial improvement of any structure shall have the bottom of the lowest floor, including basement, elevated to:
  - (1) Said base flood elevation shall be determined by one of the methods in Section 7-27-1100(b); or
  - (2) If the Planning and Development Director and Public Works Director determine that it is unreasonable to determine the base flood elevation pursuant to Section 7-27-1100(b) then the Planning and Development Director and Public Works Director may require that any new construction or substantial improvement of any structure shall have the bottom of the lowest floor, including basement, elevated to:

- (A) A height of at least two feet above the highest adjacent grade, or
- (B) Eighteen (18) inches above the top of the curb across the front of the lot.

Nonresidential structures may meet the optional standards set forth in paragraph (d) of this section. Prior to issuing the occupancy permit, compliance with the elevation requirement shall be certified by a registered civil engineer or land surveyor, and verified by the County Surveyor. Notification of compliance shall be recorded as set forth in Section 7-27-1105(b).

(d) Nonresidential construction shall either be elevated in conformance with paragraph (a), (b) or (c) of this section or together with attendant utility and sanitary facilities, be floodproofed to the base flood elevation by one or more of the following:

- (1) Installation of watertight doors, bulkheads, and shutters.
- (2) Reinforcement of walls to resist water pressure.
- (3) Use of paints, membrane, or mortars to reduce seepage through walls.
- (4) Addition of mass or weight to structure to resist flotation.
- (5) Armour protection of all fill materials from scour and/or erosion.

Certification by a registered civil engineer or architect that the standards of this paragraph are satisfied shall be provided to the Planning and Development Director as set forth in section 7-27-1105(b).

(e) Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must meet the following minimum criteria:

- (1) For non-engineered openings:
  - (A) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (B) The bottom of all openings shall be no higher than one foot above grade;
  - (C) Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood water; and
  - (D) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
- (2) Be certified by a registered civil engineer or architect.

(Amended by Ord. No. 3212, effective 10-29-98; amended by Ord. No. 3425, effective 6-9-11; amended by Ord. No. 3436, effective 3-29-12)

**7-27-1185 STANDARDS FOR ELEVATION CERTIFICATES:**

(a) Certification of the elevation of the lowest floor or floodproofed elevation is required at that point where the footings are set and slab poured. Failure to submit an elevation certification shall be cause to issue a stop-work order for the project. As built plans certifying the elevation of the lowest adjacent grades is also required.

(b) Except within zones A and AO, the benches that are shown on the FIRM shall be used in calculating the elevation of the lowest floor.

(c) If fill is used to elevate a structure above the base flood elevation, the permit holder may apply for a Letter of Map Amendment (LOMA), as set forth in section 7-27-1110(b).

(Amended by Ord. No. 3212, effective 10-29-98)

**7-27-1190 STANDARDS FOR ALLUVIAL FANS:**

Areas subject to alluvial fan flooding have irregular flow paths that result in erosion of existing channels and the undermining of fill material. Those areas are identified on the Flood Insurance Rate Map (FIRM) as AO Zones with velocities.

(a) All structures must be securely anchored to minimize the impact of the flood and sediment damage.

(b) All new construction and substantial improvements must be elevated on pilings, columns, or armoured fill so that the bottom lowest floor beam is elevated at or above the depth number.

(c) Use of all fill materials must be armoured to protect the material from the velocity of the flood flow.

(d) All proposals for subdivision development must provide a mitigation plan that identifies the engineering methods used to:

(1) Protect structures from erosion and scour caused by the velocity of the flood flow.

(2) Capture or transport flood and sediment flow through the subdivision to a safe point of disposition.

(e) All mobilehomes shall be prohibited within the identified hazard area except within existing mobilehome parks or subdivisions.

**7-27-1195 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT:**

(a) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited.

(b) Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

**7-27-1200 STANDARDS FOR UTILITIES:**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters
- (b) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**7-27-1205 STANDARDS FOR SUBDIVISIONS:**

- (a) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

- (1) Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
- (2) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
- (3) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
  - (A) Lowest floor elevation.
  - (B) Pad elevation.
  - (C) Lowest adjacent grade.

- (b) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- (c) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (d) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(Amended by Ord. No. 3425, effective 6-9-11)

**7-27-1210 STANDARDS FOR MOBILEHOMES AND MOBILEHOME PARKS AND SUBDIVISIONS:**

- (a) All new mobilehomes and additions to mobilehomes shall be anchored to resist flotation, collapse, or lateral movement by at least one of the following methods:
  - (1) By providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and uplift forces of 9 pounds per square foot; or

- (2) By the anchoring of the unit's system, designed to be in compliance to the Department of Housing and Urban Development Mobilehome Construction and Safety Standards: or
- (3) By bolting the frame or undercarriage to a reinforced, permanent foundation such as a retaining wall or storm wall used to set the unit.

As set forth in section 7-27-1105(b), certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation, and anchoring of individual mobilehome units.

(b) The following standards shall be required for mobilehomes not placed in mobilehome parks or subdivisions, new mobilehome parks or subdivisions, expansions to existing mobilehome parks or subdivisions, and repair, reconstruction, or improvements to existing mobilehome parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement commences:

- (1) Adequate surface drainage and access for a hauler shall be provided.
- (2) All mobilehomes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobilehome is at or above the base flood level. If elevated on pilings:
  - (i) The lots shall be large enough to permit steps.
  - (ii) The pilings shall be placed in stable soil no more than ten (10) feet apart.
  - (iii) Reinforcement shall be provided for pilings more than six (6) feet above ground level.

(c) Certification of compliance is required of the developer responsible for the plan or state agency responsible for regulating mobilehome placement.

(d) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### **7-27-1211 STANDARDS FOR RECREATIONAL VEHICLES:**

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

- (a) Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the sit only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
- (b) Meet the permit requirements of Article 3 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 7-27-1210.

(Added by Ord. No. 3212, effective 10-29-98)

**7-27-1215 FLOODWAYS:**

Areas designated as floodways are located within areas of special flood hazard established in section 7-27-1020. Since the floodway is an extremely hazardous area due to the flood velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1–30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point.
- (c) No mobilehome shall be placed in a floodway, except in an existing mobilehome park or existing mobilehome subdivision.
- (d) The requirements of section 14.7 of the County Zoning Ordinance (Ordinance No. 352 as amended) shall also be applicable at such time that the County Zoning Map is amended to apply F I zoning within the floodway.

(Amended by Ord. No. 3425, effective 6-9-11)

**ARTICLE 7. VARIANCES****7-27-1265 VARIANCES: AUTHORITY TO ACT:**

If practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter result through the strict interpretation and enforcement of this Chapter, then the Zoning Administrator shall have the authority to grant a variance from the provisions of this Chapter such as may be in harmony with its general purpose and intent, so that the spirit of this Chapter shall be observed, public safety and welfare served and substantial justice done.

**7-27-1270 APPLICATIONS FOR VARIANCES: FEES:**

- (a) The Zoning Administrator shall grant a variance under the provisions of this Article only upon the filing of a written application therefore by the owner of the real property affected or his or her authorized agent. The Resources Management Agency Director shall prescribe the form of application for such variances.
- (b) Unless otherwise provided, the Board of Supervisors shall adopt, from time to time by resolution, a schedule of fees to be paid by applicants with each application for a variance to defray the expenses incidental to the proceedings. No part of said fee shall be returned to the applicant if he or she subsequently withdraws the application, except in accordance with Section 130 of this Ordinance Code.

(c) An additional fee in the amount of Ten Dollars (\$10.00) shall be collected for each variance application to defray the expenses incidental to maintaining and enhancing the automated permit processing equipment and software utilized in the Planning and Development Department for processing of planning and building permits and certificates.

(d) Unless otherwise provided herein, whenever there is a joint filing of multiple applications and the applicant consents to the consolidated processing of those applications, the applicable filing fees shall be reduced by twenty-five percent (25%). As used here in, the term "multiple applications" shall consist of two (2) or more applications for changes of zone, special use permits (including amendments thereto), variances, planned unit developments and planned developments, tentative subdivision maps, tentative parcel maps (including vesting maps), building line setback variances, flood variances, and surface mining permits and reclamation plans (including amendments thereto) which pertain to the same project.

(Amended by Ord. No. 3184, effective 6-7-97.) (Amended by Ord. No. 3262, effective 10-2-01)

#### **7-27-1275 PROCEDURE FOR PROCESSING VARIANCES:**

(a) Before acting on a variance the Zoning Administrator shall hold at least one (1) public hearing. Notice of such public hearing shall be given by publishing a notice of such hearing setting forth the time and place of the hearing and the nature of the variance requested, in a newspaper of general circulation published in the County, once, not less than ten (10) days prior to the date of such public hearing, and by mailing a copy of the notice of said hearing, not less than ten (10) days prior to the date of such public hearing, to the following persons or agencies:

- (1) The applicant.
- (2) County Flood Control Engineer.
- (3) County Public Works Director.
- (4) Supervisor of the Supervisorial District in which the property is located.
- (5) State Reclamation Board.
- (6) All owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property which is the subject of the variance.

(b) The decision of the Zoning Administrator shall be in writing and shall include findings of facts relied on in making the decision.

(c) A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Planning and Development Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self addressed, stamped envelope for that purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertence, shall not affect the validity of the decision.

**7-27-1280 VARIANCES: FACTORS TO CONSIDER:**

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- (a) In passing upon such applications, the Zoning Administrator shall consider all technical evaluations and all relevant factors and standards specified in this Chapter, and:
- (1) The danger that materials may be swept onto other lands to the injury of others.
  - (2) The danger to life and property due to flooding or erosion damage.
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (4) The importance of the services provided by the proposed facility to the County.
  - (5) The necessity to the facility of a waterfront location, where applicable.
  - (6) The availability of alternative locations for the proposed uses that are not subject to flooding or erosion damage.
  - (7) The compatibility of the proposed use with existing and anticipated development.
  - (8) The relationship of the proposed use to the County General Plan and the floodplain management program for that area.
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) Any applicant to whom a variance is granted shall be given written notice over the signature of the Zoning Administrator that:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$24 for \$100 of insurance coverage; and
  - (2) Such construction below the base flood level increases risks to life and property.

(Amended by Ord. No. 3212, effective 10-29-98)

**7-27-1285 VARIANCES: PRIOR CONSENT:**

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No variance which is subject to the provisions of section 8414.2 of the California Water Code shall be approved without the prior written consent of the Department of Water Resources or State Reclamation Board and of the Engineer for the County Flood Control District.

**7-27-1290 VARIANCES: LOT SIZE CONSIDERATIONS:**

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Generally, variances may be approved for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the factors set forth in section 7-27-1280 have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

**7-27-1295 VARIANCES: AUTHORITY TO IMPOSE CONDITIONS:**

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Upon consideration of the factors set forth in section 7-27-1280 and the purposes of this Chapter, the Zoning Administrator may attach such conditions to the granting of variances as he or she deems necessary to further the purpose of this Chapter.

**7-27-1300 VARIANCES: CONDITIONS:**

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(a) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(b) Variances shall not be granted within any floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be granted upon:

(1) A showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. Variances for reasons of economic considerations, aesthetics, or because variances have been used in past shall not be considered good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing County ordinances.

(e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.

**7-27-1305 USE PERMIT:**

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Notwithstanding the provisions of section 7-27-1265, no variance shall be required under this Article if the proposed construction or substantial improvements have been approved in accordance with the use permit requirements set forth in section 14.7 of the County Zoning Ordinance (Ordinance No. 352, as amended).

**7-27-1310 REVOCATIONS:**

Any variance which is granted subject to conditions may be revoked by the Zoning Administrator if any of the conditions are violated. The same procedures shall be followed for revocation of a variance as are followed for granting a variance, including the appeal procedures, except that notice of the public hearing by the Zoning Administrator on revocation need not be published in a newspaper.

**7-27-1315 APPEALS:**

(a) Except as herein provided, all appeals regarding decisions on variances shall be subject to the provisions of section 165 of this Ordinance Code.

(b) Any person adversely affected by a decision of the Zoning Administrator on the variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. In addition to the notice requirement of section 165 of this Ordinance Code, the Board shall give notice of the appeal hearing to the persons and agencies named in section 7-27-1275 of this Article for giving notice by the Zoning Administrator.

(c) At the time of filing the appeal, the appellant shall pay a fee of One Hundred and Fifty Dollars (\$150) to the Planning and Development Director to defray the expenses incidental to the proceedings.

**7-27-1320 RECORDS:**

The Planning and Development Director as Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and any appeal actions, and report any variances issued in its biennial report submitted to the Federal Insurance Administration of the Federal Emergency Management Agency.

(Amended by Ord. No. 3212, effective 10-29-98)

**ARTICLE 9. NUISANCE, VIOLATIONS****7-27-1370 NUISANCE:**

Any building, structure, substantial improvement, or other installation which is subject to this Chapter and which is not in full compliance with the requirements of this Chapter shall constitute a public nuisance.

**7-27-1375 VIOLATIONS:**

Any person violating any of the provisions of this Chapter which are declared to be unlawful shall be guilty of an infraction and shall be punishable as provided in section 125 of this Ordinance Code. Each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any such provision of this Chapter is committed, permitted or continued by such person, and shall be punishable therefore as provided hereinabove.

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**The Tulare County Code is current through Ordinance  
Ordinance 3456, passed January 28, 2014.**

Disclaimer: The Clerk of the Board's Office has the official version  
of the Tulare County Code. Users should contact the Clerk of the  
Board's Office for ordinances passed subsequent to the  
ordinance cited above.

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